# DOCUMENT RESUME

ED 424 676 EA 029 454

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|---|---|
| TITLE | Charter Schools: Leadership Training Academy Workbook. |
| INSTITUTION | Northwest Regional Educational Lab., Portland, OR. |
| SPONS AGENCY | Office of Educational Research and Improvement (ED), Washington, DC. |
| PUB DATE | 1998-07-00 |
| NOTE | 477p.; Some pages contain light or blurred type that may not reproduce well. |
| CONTRACT | SB97023101 |
| PUB TYPE | Guides - Non-Classroom (055) |
| EDRS PRICE | MF01/PC20 Plus Postage. |
| DESCRIPTORS | *Charter Schools; Educational Development; Educational Innovation; Elementary Secondary Education; *Instructional Leadership; Leaders Guides; Leadership; *Leadership Training; Professional Development; *School Administration; Workbooks |
| IDENTIFIERS | Northwest Regional Educational Laboratory |

ABSTRACT

As part of the Model Leadership Training Program for charter-school founders and leaders, a workbook representing the training component developed during the first year was prepared. During the first year, 12 teams of charter-school founders and leaders (N=48) participated in the Charter School Leadership Training Academy. The workbook provides the resources, information, and structure for the Academy sessions. It features training materials, training exercises, curriculum, and additional resources in all areas of charter-school development. Although each session does not specifically correspond with a core content area, the training does cover all five core content areas: startup logistics; curriculum standards and assessment development; governance and management; community relations; and regulatory issues. The training material was designed for a 5-day workshop, but each session is self-contained and can be used as individual training sessions. The curriculum for each lesson can be used to develop a conference or training session, and developers can use the text for additional resources and advice. (Contains 67 references and a list of charter-school Web sites.) (RJM)

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# Charter Schools

# Leadership Training Academy Workbook

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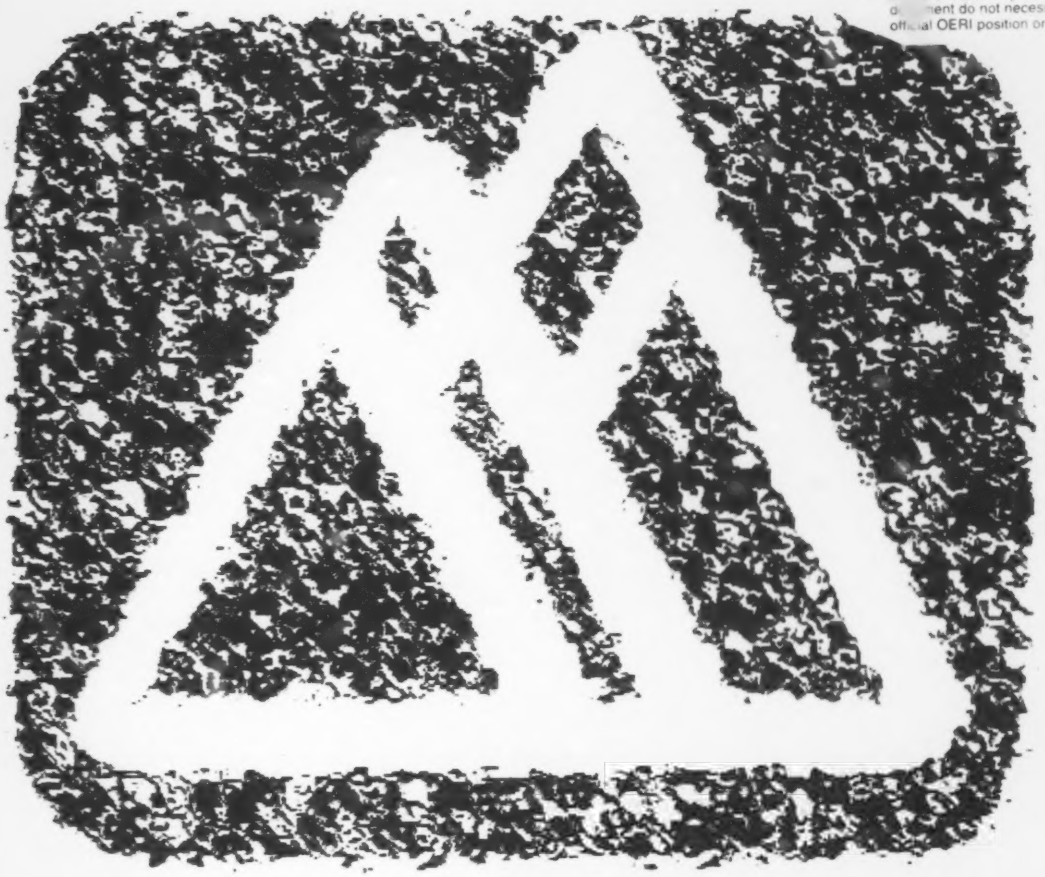

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## Preface

### 1998 Charter School Leadership Training Academy

The Northwest Regional Educational Laboratory (NWREL) is under contract with the U.S. Department of Education to develop a Model Leadership Training Program for charter school founders and leaders. This workbook is the training component developed during the first year of the current three-year contract. During the first year, 12 teams of charter school founders and leaders (48 total participants) participated in the Charter School Leadership Training Academy held in Portland, Oregon July 20-24, 1998. This workbook provided the resources, information, and structure for the Academy sessions. In an effort to disseminate the information and training materials provided to Academy participants to as many charter school developers and trainers as possible, NWREL is making the Academy workbook available to all interested charter school developers and trainers. This workbook is only a draft version of the Model Leadership Training Program to be developed, implemented, and disseminated in year three of the contract. Feedback from Academy participants indicated an immediate need for making these materials available to as many charter school leaders and trainers as possible.

This publication is based on work sponsored wholly, or in part, by the Office of Educational Research and Improvement (OERI), Department of Education, under Contract Number SB97023101. The content of this publication does not necessarily reflect the views of OERI, the Department, or any other agency of the U.S. government.

**NORTHWEST REGIONAL EDUCATIONAL LABORATORY**
**101 SW MAIN STREET, SUITE 500**
**PORTLAND, OREGON 97204**

# Leadership Training Academy Workbook

**July 1998**
**Rural Education Program**

**1998 Training Workbook**
This workbook provides training material, training exercises, curriculum, and additional resources in all areas of charter school development. The training curriculum contained in this workbook was developed through extensive research, pilot training of individual sessions, and direct input and recommendations from an eight-member design team of charter school experts and practitioners. The training is based on five core content areas in which charter school developers should have expertise or be willing to access expertise. While each session detailed in the workbook does not specifically correspond with a core content area, the training as a whole does cover all five core content areas. Following are the core content areas and some of the details they encompass:

- **Start-up logistics**—assessing the political environment, determining fiscal feasibility, sustaining energy, writing an effective application, allocating resources, creating a power structure, implementing instructional changes, building an organizational vision, forming a founding group, establishing a legal entity, acquiring a facility, and developing a business plan
- **Curriculum standards and assessment development**—developing an academically rigorous curriculum, measuring performance, weighing curriculum options, and renewing the charter
- **Governance and management**—creating an organizational structure, handling personnel issues, developing internal policies, evaluating the governing board, managing growth, dealing with liability issues, and contracting for services
- **Community relations**—dealing with controversy, juggling interest groups, coordinating media relations and relations with the district or sponsoring agency, communicating parent expectations, and marketing the school
- **Regulatory issues**—special education requirements, health and safety issues, individual rights, religious issues, student records and freedom of information, civil rights regulations, requirements for parent involvement, state laws and regulations, different types of charter schools, and legal options

This workbook is targeted toward both charter school developers and charter school trainers. Although originally designed as the training material for a five-day training academy, each session outlined in the workbook is relatively self-contained, able to stand alone, and can be used as individual training sessions. Each workbook session contains a description of the *key issues*, *goals*, *instructional resources*, *curriculum*, and *additional resources* for that particular session. The *curriculum* for each session provides a detailed lesson plan which can be used equally by both trainers, in developing a conference or training session, and developers, when researching a particular area or looking for addition resources and advice.

The information in the workbook is not state-specific. There are a number of areas that have been purposely left open to allow trainers to "plug-in" state-specific information where appropriate. We advise that materials in this workbook, whenever possible, be tailored according to state specifications.

All information contained in this workbook should be considered as informational only and should not substitute for legal advice. We recommend that charter school developers obtain legal counsel whenever appropriate.

NWREL staff are available to provide assistance and direction in using this workbook to develop training sessions for charter school developers. This includes providing training based on workbook session and/or assistance finding appropriate trainers for specific sessions. Additional questions, comments, or recommendations regarding the information in this workbook are welcome and can be addressed to Brett Lane, Rural Education Program, (phone: 1-800-547-6339, ext. 559 or 503-275-9559 or e-mail: laneb@nwrel.org).

# 1998 Charter School Leadership Training Academy

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# Day 1

## Exploring the Current Situation—Reality Check

### Using the Vision

Session A: Case Study in Visioning
Session B: Core Founding Group and Accessing Experts

### Using the Vision—Continued

Session C: Writing a Great Application
Session D: Evaluation of Progress

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# Exploring the Current Situation—Reality Check

**Key Issues:**

1. Political, economic, and community feasibility
2. Understanding the community context
3. General accountability issues
4. Sustaining energy—Building relationships
5. Flexibility—Gaining and sustaining flexibility

**Goals:**

1. Present participants with an overview of the Academy
2. Participants will develop an action plan for their charter school
3. Participants will share experiences, goals, problems, and issues, etc.
4. Participants will complete a needs assessment
5. To broaden the perspective of charter school founders and leaders, participants will be exposed to a number and variety of issues surrounding the creation of charter schools
6. Participants will develop a support community and network

**Instructional Resources:**

Thomas, D. (1997). Memo: Design plan questions. Center for School Change. Hubert H. Humphrey Institute of Public Affairs. University of Minnesota.

The Center for Education Reform. (1997). Starting a charter school: The first step. In The charter school workbook: Your roadmap to the charter school movement. (pp. 222-225). Washington, D.C.

Colorado Department of Education. (1997). Part VIII: Lessons learned. In 1997 Colorado charter schools evaluation study: The characteristics, status and student achievement data of Colorado charter schools. (pp. 108-115). Prepared by the Clayton Foundation.

Charter schools development checklist

**Additional Resources:**

Useful Charter School Websites—Appendix B

Available technical assistance by state. See: State-specific resource workbook.

**Session Structure:**

1. Guided interactive discussion in two tracks: Operational and Pre-operational.
2. Participants may be asked to prepare an action plan to guide group discussion. The action plan should outline (1) questions they have; (2) future research needed; and (3) next steps to take when they return home.

# Curriculum Outline for:
# Exploring the Current Situation–Reality Check

**Curriculum:**

I. **General Overview**–Ask "What are we getting into?"
Specifically, one can think of charter school development as having three general components. Each component requires a different perspective. The three perspectives involve an understanding of the *external* context, an understanding of the *internal* context, and an understanding of how charter school founders can take *action*.

- A. External context: Thinking about your school. Where do we start?
    - 1. All charter school founders should scan the:
        - a. Political Environment. Who are the political players? Who has power and influence? Who might lend you support? Is the charter school idea politically feasible?
        - b. Fiscal Environment. Is the charter school idea fiscally possible within the current political environment?
        - c. Community Environment. Is there local support? What does the community need in a school? What will my school provide?

- B. Internal context: The need for a strong vision and mission statement.
    - 1. The vision is the mortar, the glue, that holds it all together
        - a. The vision is the basis for the charte. —actualized in the budget
        - b. The vision provides motivation
        - c. Successful founders create the vision, cultivate the vision, sustain the vision, and develop a mission statement
        - d. The mission statement is a marketing tool and guides future action
        - e. Together the vision and mission statement form the basis for the curriculum, standards, teaching styles, and assessment

- C. Taking action: Charter school are about making things different.
    - 1. What are we (the founders) going to do? And how are we going to do it?
    - 2. Thinking out of the system (public education)
        - a. Consider changes in resource allocation
        - b. Consider changes in the power structure (organizational shifts)
        - c. Think about how to use increased flexibility and autonomy
        - d. Remember there are different learning styles, different ways of thinking, and innovative curricula
    - 3. Think about the different types of accountability (public, fiscal, academic)

## II. Suggestions:

A. External context:
  1. Charter school founders must understand, learn, and adapt to current political, fiscal, and community environments
  2. Mechanisms should be developed to facilitate adaptation as these environments change.

B. Internal context:
  1. Charter school founders need to integrate their vision among members and base all policies and actions on the vision and mission statement
  2. The leader of the founding group—if there is a leader—must find ways to maintain and/or sustain the vision over time
  3. The vision and mission statement should be aligned with the curriculum, the goals of the curriculum, and the assessment and evaluation methods used—which then feeds back into the curriculum

C. Taking action:
  1. Charter school should, through an understanding of the social and political situation, and their own internal situation, develop a plan of action that can accomplish their goals in light of external constraints and their internal vision

## III. Specifics–How to begin thinking about your school:

A. External context: External reality check
  1. Political Environment
    a. Identify influential political figures and influential institutions from all segments of society
    b. Ask some of these individuals to be a member of your advisory board
    c. Identify *who* wants *what*
    d. Identify the interests of unions, companies, school boards, superintendents, community groups, churches
    e. Use community discussions and/or forums to see if the ideas and vision of your school mesh with the ideas and values in the political environment

  2. Fiscal Environment
    a. Identify what is needed to start the school (start-up and operational expenses)
    b. Remember that there are two phases in the charter school process–money is needed for both the planning phase (including start-up expenses) and the first year operational phase
    c. Develop an initial budget
      -What is the potential enrollment?
      -What does the school need?
      -What per pupil expenditure (PPE) will you get from the district or state?
      -What services will the district provide?
      -How can we use the budget to be flexible?

d. Two initial considerations
    - -Start-up costs
    - -Obtaining a facility

3. Community Environment
    a. Have knowledge of existing private and public school in the community
    b. Locate and contact community groups that may be able to help
    c. Does the community need the school you are proposing? What are the needs and assets of the community?
    d. What is the attitude of the community toward your school?
    e. Try interviewing community members. Ask them what their dream is for their child's education
    f. Think about what you can offer to the community

B. Internal context: The need for a vision and mission statement
1. The vision and the mission statement form the basis for the charter, the budget, the curriculum, standards, and assessment. They can be used as a marketing tool, motivation, and the basis for your organizational structure and your policies.
2. Four steps to a vision that coordinate and align all areas of the school
    a. Building a vision
    b. Communicating the vision
    c. Keeping the vision
    d. Renewing the vision
3. Charter schools need a leader who can develop the mission statement and vision
4. Charter schools need to have all members of the staff, students, and parents buy into the vision
5. Vision orientation
    a. Identify desired future state
    b. Know who the clients are and align with the vision of the school
    c. Develop strategies and methods to communicate the vision
    d. Specify the curriculum focus and develop assessment and evaluation tools
    e. Sustainability—(Understand the need for buy-in. The vision shapes the culture of the school)
6. Mission statement should include:
    a. Values
    b. Educational approach
    c. Curriculum focus
    d. Customer focus
    e. Outcomes and goals

C. Taking action: Making things different

1. Develop an appropriate organizational structure that corresponds with the vision
2. Develop appropriate curriculum, standards, and assessment—use flexibility
3. Discuss the necessary resource allocation/distribution—based on vision, organizational structure, and curricular needs
4. Develop your school culture, teaching styles, and learning styles—based on vision
5. Think creatively and expansively
6. Think about accountability in light of your flexibility and autonomy. The charter gives the right to be flexible—now put in the accountability component.
7. Develop a strategic action plan that will align all areas of your school and begin the implementation, and realization, of your goals

CENTER
FOR SCHOOL CHANGE

**May 12, 1997**

**Memo to:**

**From: Doug Thomas**

**Re: Design Plan Questions**

The following is a list of questions that should be asked as a planning group proceeds to develop an innovative school. They are intended to be a mix of general, philosophical, and detailed questions often asked by those granting authorities such as school boards, unions, foundations, and state agencies, as well as interested parties such as parents, students, teachers, community members, and businesses. This list is by no means intended to be complete nor does it address specific program goals or outcomes.

1. Who will the school serve? What age and what specific needs?
2. How many students will be accepted?
3. How will they be selected?
4. What are the general outcomes expected of the school? Will there be a particular focus of study? (the Arts, School-to-Work, Technology)
5. Will the school operate year-round? Extended day?
6. Will students have an individual learning plan? A variation of the Profile of Learning? SCANS portfolio?
7. What will be the relationship between teachers and students? Facilitator? Advisor/Advisee?
8. What kind of parent involvement will be expected?
9. What will be the expectations of businesses in partnering?
10. Will the school be primarily experiential? Hands-on?
11. Will there be multi-age grouping? Will you have grade levels?
12. Will there be an emphasis on cooperative learning?
13. What type and size of building will be needed?

14. What will be the general management structure of the school? Site-based team?

15. Will the school have a principal?

16. How will money be handled? By the district? By a site-team? A school manager?

17. What will be the relationship with the district? Autonomous or treated as another site? How much money will follow the students?

18. Will the teachers be bound by the master agreement?

19. Who does the hiring and firing? How will teachers be selected?

20. Will there be consequences for poor results?

21. What evaluation outcomes, tools, and procedures will be in place?

22. Will students and parents be active participants in planning their course of study?

23. Will students have opportunities for field trips, internships, and apprenticeships?

24. Will there be policies governing attendance, discipline, student expectations, discrimination, etc.?

25. Will there be courses? Subjects? Integrated and interdisciplinary courses?

26. Will teachers be generalists? For some instruction? For all?

27. Will there be grades and report cards?

28. Do you need waivers from state rules?

29. What are the roles and responsibilities of teachers, students, and parents?

30. One teacher, one classroom?

31. Will there be a hourly schedule? Blocked time? Flexible scheduling?

32. Will you rely on textbooks for instruction?

33. How will technology be used and integrated? Multimedia? How many computers? What type?

34. How will cultural diversity be addressed?

35. How will outside community resources be utilized?

36. Will service learning be a part of the program?

37. How will special education be addressed?

38. Who will set the standards and how will they be addressed? What will the curriculum look like?

39. How will students be transported to and from school?

40. How will professional development needs be met?

41. How much will staff get paid?

42. Will other social services be integrated into the school?

43. How will you publicize the school and market to attract students and support?

44. Is there a plan to sustain the school if successful? What if its unsuccessful?

45. What is the budget?

# Starting a Charter School: The First Step

## Governance

The launching of a charter school starts with an idea for building a better school, shared by a group of dedicated individuals. They may already be education providers who seek more freedom to innovate, entrepreneurs who see a way to create a education delivery system that runs more efficiently and provides more options, community organizations who seek to serve children who are falling through the cracks, or any combination of these (parents, teachers, businesses, non-profits, social service agencies, etc.) who share a vision for educational quality

The process begins with passion and commitment, but must be tempered and guided by a strong and focused organization. It is important to develop a sound governance structure and process, to ensure that the initial vision is correctly executed and to avoid problems down the road. Governance is one of the most critical issues charter developers must address. While issues like funding and facilities may seem more urgent when faced with the launch of a new enterprise from the ground up, as Linda Brown, Director of the Pioneer Institute Charter School Resource Center, says, "Buildings and bucks have a beginning and end; governance is the core of your school."

The charter development team should be composed of people who share a common vision for a better school but can offer expertise in a variety of areas. They must understand that consensus is not the ultimate goal but rather turning that vision into a school house full of learning students. As the Rand Report *So You Want to Start a Charter School?* notes, "Starting a charter school takes the practical expertise needed for a well-run business enterprise and the commitment and fortitude of a successful political campaign.... Applicants should realize that the skills required of the group will change as the applicant moves through the process of starting a charter school. The first phase is one of 'team building.' The potential applicant must find the right people for the core team; persuade them to participate; and 'network' to identify potential sources of political, monetary, and technical support. The core team and its key supporters must build a shared vision of the school's mission, including who it will serve, how it will approach learning and teaching, and the process of self-governance."

The process can be long and arduous, and every advantage should be sought. The approach of one charter school in California was to invite opponents and skeptics to participate in the start-up and operational process, simultaneously defusing their potential to generate public resistance to the school and educating and converting them to the school's benefits. As Jim Watson, President of the Delta School Governance Council's Board of

Excerpted from: *The Charter School Workbook: Your Roadmap to the Charter School Movement*. (1997). Washington, DC: The Center for Education Reform. (Reprinted with permission.)

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Trustees, put it, "Invite your enemies into the tent early on." The Delta School recruited the local union leader and the sponsoring district's superintendent to serve on the charter board; that union head ended up teaching in Delta's summer school program.

That approach may not be appropriate or advisable for every new charter, but the key is to be creative and keep focused on the ultimate goal of opening your school. Recognize the skills and expertise already assembled, and try to involve community members and organizations who can bring the expertise still needed. Legal issues, compliance with state and federal safety and civil rights codes, fiscal management, staffing, curriculum development, support services such as food and transportation and other administrative details large and small must all be addressed. "As a business, charter schools usually need help from technical support organizations and professional business and legal assistance as well as educational expertise.... The core members should know enough about their areas to know what they do not know, to find experts, and to ask the right questions."[1]

## The Application

With your governance team in place, drawn together by a shared vision, the next step is to compose the application. Each state's charter school law determines the specific issues which an application must address, and sponsoring bodies may have additional requirements, but following is a general list of issues a charter application should address:

- description of the academic program, as well as student achievement goals and the assessment methods to be used to demonstrate students' attainment of those goals;
- number and grade or age of students to be served;
- admission policies and procedures, as well as suspension and expulsion procedures;
- governance structure, possibly including provisions for ensuring parental involvement;
- employee qualification requirements, the number of teachers to be employed, and the provision of employee benefits and rights;
- budget;
- program and financial audit requirements and procedures;
- liability and insurance;
- term of the contract, and conditions and procedures for renewal or revocation;
- facilities information;
- fiscal and legal autonomy issues and relationship to the sponsor;

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- provisions for compliance with state and federal health, safety and civil rights regulations, as well as other regulations not automatically waived by the charter law, and any requested waivers.

## The Mission Statement

Begin with a mission statement that concisely articulates the overarching vision behind the school. As the Pioneer Institute's Massachusetts Charter School Handbook points out, "The mission statement defines the school's purposes and objectives as they are understood and practiced by the school community. Missions are important in shaping a school's character and in maintaining a sense of direction and vitality.... Mission statements are not set in concrete. They evolve over time. A mission statement should include five elements: values; educational approach; curriculum focus; customer focus; outcomes and goals." A well-thought-out mission statement will provide the base upon which to build a solid and successful application. It will inform how many of the other aspects of the application are addressed, from curriculum and assessment to governance and student demographics.

## Facilities

Facilities may be one of the areas where charter applicants and operators can best test their ability to be creative, flexible and visionary. Ideally, one would look for a facility in a convenient and central location, with a healthy physical plant suitable for or readily and cheaply adaptable to the most conducive classroom setting, and available and affordable. Such is rarely the case. Rather, charter school operators have had to improvise and compromise in securing a location for their school. Some "borrow" or share available facilities with another organization. Others convert unused retail space in strip malls. Some are fortunate to have access to available district facilities already designed on a classroom model. One charter rented space in a local restaurant, clearing out the "classrooms" every Friday so it could conduct its weekend business. Another provides its students' physical education classes at the local Y. Yet another contracts with a local restaurant to provide its students with their daily lunch. Another rents out a church basement for the annual fee of $1.

The Pioneer Institute advises charter operators to keep in mind that less than ideal interim facilities can provide a viable temporary solution until they can find, negotiate and renovate a more suitable space. "Consider everything and keep in mind that where you start does not have to be where you finish ... It is the task of the creative organizer to mold available sites to reflect the mission, curriculum, and enrollment of the charter school. The ability to cut costs creatively without cutting corners characterizes the most successful charter school organizers." Facilities offer one more area in which to involve the community and call on local organizations to contribute to the education of the next gen-

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eration: enlist the expertise of realtors, architects, businesses, etc. in efforts to find and prepare a facility for opening day; approach organizations to donate or lease cheaply their available facilities; consider making use of spaces that are in use but vacant during the school day; "borrow" community resources already available nearby, rather than providing them directly.

Facilities present many charter applicants with a difficult dilemma: some sponsors make approval contingent on the applicant's having already secured an appropriate site, yet applicants can't enter into a lease agreement unless they have the approved charter in hand. Again, flexibility and creativity are required — applicants may try to secure a provisional agreement with the landlord or a waiver from the sponsor.

Sid Jacobson, a Virginia real estate developer, offers a list of issues to consider when "shopping around" for the ideal school facility: location; condition, size and set-up of the physical plant; zoning; permit and approval process and timeline; local infrastructure; and available financing.

## A Public Trust

Draw on the expertise of your assembled team to address the particulars and consult outside experts where necessary. As the Rand report points out, charter schools are a public trust granted to "private citizens and groups to carry out the state's constitutional obligation to provide public education. Charter school applicants should honor this public trust and recognize its special burdens. The applicant should act in the same way the law requires of the charter holder. Decisions should be made in the open, and the applicant's records should be open to the public. Members of the applicant group should recognize and avoid potential conflicts of interest.... Policy decisions should always be made in the best interests of the students and the future of the school, not the adults participating in the applicant group."

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Excerpted from: *1997 Colorado Charter Schools Evaluation Study: The Characteristics, Status, and Student Achievement Data of Colorado Charter Schools.* (1997). Colorado Department of Education.

# 1997 COLORADO CHARTER SCHOOLS EVALUATION STUDY

## The Characteristics, Status and Student Achievement Data of Colorado Charter Schools

PREPARED BY

The Clayton Foundation
Trustee of the George W. Clayton Trust and College

# PART VIII: LESSONS LEARNED

## *BY THE CHARTER SCHOOLS*

The evaluation team asked the directors of the charter schools included in this evaluation study to reflect on their experiences and share significant lessons learned. This information may be useful to charter school organizers and operators and to the organizations and groups who assist them.

All 24 of the schools in this evaluation study responded to the "Lessons Learned" section of the questionnaire. For ease of reference, the responses are organized into topical categories.

Following this summary overview, this report exams four critical issues – accountability/assessment/reporting, governance, professional development, and serving the needs of at-risk students – in more detail. In addition to being of interest to new and developing charter schools, these reflections may have broader implications for statewide education policy.

**APPLICATION PROCESS:**
- Adopt a distinct mission statement.
- Ensure the school's vision can be described in specific and concise terms, but with enough detail to accurately describe the intent.
- Allow sufficient time to complete the charter application process.
- Use existing charter schools as a resource – visit other schools, examine other applications and operating agreements.

**GOVERNANCE:**
- Establish clear lines of communication and authority between the governing body and the administration of the sponsoring district.
- Focus the governing body on long-term policy issues and give the director and staff day-to-day management responsibility.
- Define the governance structure thoughtfully, thinking about the balance of representations among parents, community members, students and staff.
- Key ingredients of success are trust, respect and diplomacy.
- Do not allow family members to serve on the board together.
- Do not allow proxy voting.
- Clearly delineate the responsibilities of the governing board in the application to avoid future misunderstandings.

**PROGRAM PLANNING:**
- Have a plan prior to approval but allow for staff input – and set adequate time aside for this – during implementation.
- Stay flexible. Be willing to change things that aren't working and adjust the program with regard to struggling students, but keep an eye on the original mission.
- Be realistic. Planning for the ideal, when faced with limited resources, makes implementation difficult. Have a good understanding of what it is possible to do with the available resources.
- Be realistic about the size of the school/number of grades served at opening.

**TRANSITION FROM PLANNING TO IMPLEMENTATION:**
- Time is the critical element in making a successful transition. One respondent suggests allowing a year of planning before opening the school. Assume that tasks will take longer than anticipated; build in some time cushions.
- Recognize that staff are responsible for implementing the mission and must be trusted with the task.

**STAFF:**

- Select staff who are philosophically aligned with the school's mission and who view themselves as learners who can tolerate a certain amount of ambiguity.
- Charter school teachers may require far greater support than normal because of the demands of implementing a specific educational program and/or because of their relative lack of experience in the profession.
- Specific hiring strategies recommended include hiring a curriculum specialist and participating in the spring job fair.

**PROFESSIONAL DEVELOPMENT:**

- Allocate sufficient resources, including time.
- Offer joint in-service activities with other schools.

**ACCOUNTABILITY/ASSESSMENT/REPORTING:**

- Collect baseline data on student achievement.
- Ensure consistency between assessment tools and educational vision and program.
- Be clear about and help teachers understand how the curriculum is aligned with state standards and the standards of the sponsoring districts.
- Recognize that this is an evolving process.
- Participation in John Irwin's School of Excellence Program can provide excellent ideas and resources regarding accountability.

**BUDGET DEVELOPMENT AND MANAGEMENT:**

- Include all stakeholders.
- Begin process at the classroom level, referring to school's vision for direction.
- Secure financial expertise by hiring a consultant or a financial manager.
- Be conservative with projections and establish a contingency fund for unexpected expenses.
- Establish and maintain priorities; the limited budget will not allow the school to be all things to all people.
- Engage the help of an expert when negotiating financial issues with the sponsoring district.

**PARENT/COMMUNITY PARTNERSHIPS:**

- Give proper attention to this component.
- Communication is key to developing good working relationships with parents and community.
- The director can provide direction to the parent organization initially, but then needs to give the organization some room to develop its autonomy.
- Use parents to get other parents involved.
- While parents generally are willing to participate in meetings with teachers and open house functions at the school, it is much more difficult to engage them in school governance.

**TRANSITIONS IN GOVERNING BOARD OR SCHOOL DIRECTOR:**

- Clear expectations of the roles between the board and director ease transitions, both those that are planned when terms of office are completed, and those that are unplanned when board members resign and when directors resign or are terminated.

**RELATIONSHIPS WITH THE SPONSORING SCHOOL DISTRICT:**

- Take a proactive stance with the school district by maintaining visibility, promoting your school and communicating with the district using a variety of methods.
- Some conflict may be unavoidable, but try to avoid getting locked in to an adversarial relationship.

## *Lessons Learned Related to Accountability, Assessment and Reporting*

Developing good assessment measures that the charter schools believe in and that communicate clearly to their students, parents and sponsoring districts often has been a challenge for many charter schools. Yet, several respondents noted progress in this area: "we continue to improve," "each year we are better, as we learn (the) pitfalls."

Several schools offered specific examples of areas where they have provided leadership in the area of accountability, assessment and reporting, including the development or identification of authentic assessments, portfolios, rubrics and writing samples.

Some respondents found it helpful to begin with the accountability process expected of other schools in the sponsoring district. One charter school director learned what was expected simply through conversations with district personnel. Another respondent said basing its assessment and reporting on the district's system helped in terms of "continuity and understandability." In this vein, another survey spoke of the value of "close ties and good communication with the district and CDE," both of whom offered valuable assistance. This respondent added that the school also networked on accountability and assessment issues with other charter schools.

Other schools, however, felt more obligated than pleased to follow the sponsoring district's guidelines of assessment. One response implied that the school was less than pleased that the district "required we take their designated standardized tests."

Several respondents spoke of the importance of developing specific and effective strategies to gather baseline data on student performance from year one. "Start collecting data from the first day!," exclaimed one. Another advised: "Collecting baseline data is critical to demonstrate strengths and weaknesses of the instructional program."

One charter school director noted that the school imposed "higher standards of accountability and assessment" on itself than its sponsoring district. However, the survey mentioned problems with reporting information due to the fact that the sponsoring district uses a new management software program "that is not being made available to charter schools in the district."

Another respondent expressed frustration about the school's relationship with the sponsoring district: "We report four times a year, but it still seems not enough for the district." This school wondered if the state could "standardize reporting for the charter schools" to help prevent what this school perceived to be unfair or inappropriate expectations from the sponsoring district. Another respondent questioned whether the time spend on assessment and reporting was well-spent: "Reporting is very time-consuming and tends to pull us back towards bureaucratic methods and practices." A third noted that "there is an inverse relationship between a charter school's positive academic success and the district's best interest. Consequently, rather than touting a charter's success, the norm is to ignore or minimize it."

Other respondents made these observations:

- "Strive to be the best and make it public. Don't settle for district standards but continually build above and beyond commonly held expectations."
- "Assessment methods and instruments should include standardized and performance-based tests. Testing instruments should be carefully considered and not changed frequently."
- "Developing alternative assessment tools has been much more difficult than we expected. Consequently, we aren't much different from other schools. We still don't have a valid, reliable tool. Teachers have resisted setting standards which make portfolios interesting, perhaps, but not useful as an assessment tool."
- "Consider the various constituencies who require accountability. (The process) must be consistent with (the school's) educational focus."

## *Lessons Learned Related to Governance*

Almost half of the charter schools in the study offered some insights on this critical issue, which has been a troublesome one for many, especially in their early stages of development. The stakes were succinctly stated by this respondent: "Seek training and expertise in this area. Develop the charter structure as carefully as the curriculum. Many charter schools are embroiled in governance issues their first couple of years rather than concentrating on education. Know the who's, when's and what's of board governance before the school doors open. A unified governing board presents a trustworthy, solid and professional image to enrolling parents."

One respondent emphasized the "big need" for governing board training, noting that the school's initial board "was untrained and extremely prone to micro-management." A respondent from a rural school noted that it was difficult for board members to attend training programs offered by the Colorado League of Charter Schools and wondered if there was a way to provide some training via video. Another respondent noted that the school would have benefited from "board training and governance options during the application process from an independent source," adding that during the first few years it experienced "ineffectual policies and procedures." Another stated that training is especially critical because "chartering applicants are exposed to an array of local and state mandates/guidelines" – areas that are new to many board members.

One respondent stated that it was "very helpful to them to have examples of governance structures from other charter schools." Another respondent suggested that all charter schools and their boards review the Trustee Handbook, published by the National Association of Independent Schools. This booklet covers board member duties, board organization and board relationships.

Echoing these observations, one respondent noted that the school is still defining its governance structure after two years. This school believes that such flexibility and evolving definitions are necessary: "It's useless to define how you will deal with situations until they actually arise."

Survey responses contained these specific recommendations and reflections:

- "It takes a lot of time and dedication to open a school."
- The governing board should have "equal representation from all constituents of the school community. A community-based representative is very valuable."
- "Written contracts may be necessary."
- "We did not want a governing board which dealt with day-to-day affairs, and with only a few exceptions have adhered to that. Don't micro-manage."
- "Need strong board which is able to focus on policy issues for entire school over long-term. Board needs to know how to differentiate their role from that of (school) administrators."

### *Lessons Learned Related to Professional Development*

Several schools admit to underestimating the importance of professional development and would encourage other charter schools to give this area more focus in the first few years of operation. Others schools did not emphasize the need for professional development and often struggled to find the resources or time to address this area adequately. One respondent noted simply that designing and delivering professional development has proven "expensive." Another stated: "we haven't had enough money to do what we envisioned," recognizing that this "has caused morale problems."

Another respondent concluded that "staff development and professional growth are almost non-existent at charter schools due to the nature of their programs, financing and relationship with the sponsoring district." However, for these very reasons, this school encourages charter schools to "look for creative and flexible ways to build professional development within the confines present." Among the strategies used by charter schools:

- Create a charter school consortium to facilitate professional development, as the core knowledge schools have done.
- Hold joint in-services with other charter schools with like philosophies and curriculum.
- Make professional development a "high priority" when developing the budget.

Several respondents noted that charter schools may have an even greater need than other public schools to make professional development a priority. Charter schools often use a different philosophy and curriculum than other public schools, and by implication, than teacher training institutions. This places an even greater burden on the schools themselves to take responsibility to find ways to support the learning and growth of their faculty.

Charter schools may need to pay attention to professional development for a second reason as well. A number of schools report that they have hired teachers who are less experienced than in other public schools in the district, and quite a few of these teachers have yet to earn their license. Providing support to new teachers -- especially where they feel the added challenge of opening or working in a fairly new school -- can make a critical difference in the quality of teaching, in the morale of the faculty and in the school's' ability to retain good teachers. New schools historically have encountered problems with burnout and turnover. Strong staff development can alleviate some of this pressure, fostering continuity and stability.

Specific comments from respondents included:

- "Professional development activities are developed and facilitated by faculty. All professional development is related to school goals. Individual teachers can attend conferences which are related to the goals and objectives contained in their professional development plan."

- "We insist on spending four hours a week together in professional development activities. Teachers take leadership in directing activities. We wish we could schedule six hours a week; you need time together to learn and grow as a staff."

- "Our formal, consistent training plan was cited by teachers as an indicator of our school success."

- "Don't skimp (on professional development)!"

## *Lessons Learned Related to Serving the Needs of "At-risk" Students*

The evaluation questionnaire asked schools how they define "at-risk" students. The definitions were very diverse, ranging from students working below or above grade level, to students who have had unsuccessful educational experiences in other schools, to all students. One respondent stated that the school does not use the term "at risk" even for special needs students.

The charter schools use some common strategies, however, to meet the needs of "at risk" students. While not all schools use all of the following strategies, these strategies crossed philosophical and program lines among the respondents:

- **Emphasis on reading and math skills**, through early intervention, opportunities for acceleration, special instructional approaches or opportunities for identified students.
- **Individual learning plans** that provide curriculum and instruction appropriate for their needs.
- **Tutoring,** through special classes, extended day programs, additional school days, summer school.
- **Staffing patterns** that offer lower student-teacher ratios, additional classroom assistants, student advocates, student advisors.
- **Offering expanded educational opportunities** through field trips, community service and other nontraditional learning activities.
- **Engaging high levels of parental awareness and involvement,** through strategies ranging from home visits, to parent contracts that require a minimum volunteer commitment, to involving parents consistently in the application of the discipline policy.
- **Implementing a particular academic program**, including "standards-based," "integrated arts-based curriculum," and "experiential hands-on learning."

# Charter School Development Checklist

| | Person Responsible | Beginning Date | Date Completed | Committees or Resources | Budget Requirements |
|---|---|---|---|---|---|
| **Facilities** | | | | | |
| Identify needs | | | | | |
| Identify options | | | | | |
| Inspect potential sites | | | | | |
| Outside expert inspection | | | | | |
| Assess potential sites | | | | | |
| - fire and safety codes | | | | | |
| - location | | | | | |
| - repairs needed | | | | | |
| - other infrastructure needs | | | | | |
| - cost (including insurance, custodial, security, other) | | | | | |
| Acquire site (lease, purchase, or district supported) | | | | | |
| Move into site | | | | | |
| Make necessary repairs and installations | | | | | |
| Set up classrooms and instructional materials | | | | | |
| | | | | | |
| | | | | | |
| **Staffing** | | | | | |
| Identify types and numbers of teachers needed | | | | | |
| Develop personnel policies | | | | | |
| Develop hiring policies | | | | | |
| -develop job descriptions | | | | | |
| -advertise for position | | | | | |
| -develop interview questions | | | | | |
| -outline expectations | | | | | |
| -collect and review applications | | | | | |
| -conduct reference and background checks | | | | | |
| - hire employees | | | | | |
| Develop employee handbook | | | | | |
| Develop staff development activities and plan | | | | | |
| | | | | | |
| | | | | | |

## Charter School Development Checklist -- Continued

| | Person Responsible | Beginning Date | Date Completed | Committees or Resources | Budget Requirements |
|---|---|---|---|---|---|
| **Curriculum and Assessment** | | | | | |
| Identify preliminary goals for students based on mission | | | | | |
| Develop detailed goals, standards, benchmarks, and objectives | | | | | |
| Identify and integrate appropriate curriculum based on goals | | | | | |
| -develop instructional techniques | | | | | |
| -identify instructional materials | | | | | |
| -configure classroom and learning environment | | | | | |
| Address special needs students | | | | | |
| Develop assessment plan | | | | | |
| Conduct assessment plan | | | | | |
| Revisit curriculum and instruction based on assessment results | | | | | |
| | | | | | |
| | | | | | |
| **Marketing and Recruitment (students and parents)** | | | | | |
| Develop enrollment policies | | | | | |
| Develop recruitment and marketing strategies | | | | | |
| -Develop marketing plan and recruitment materials | | | | | |
| Market to clientele | | | | | |
| Monitor recruitment for equity and civil rights regulations | | | | | |
| Accept applications | | | | | |
| Enrollment lottery (if necessary) | | | | | |
| Enroll students | | | | | |
| -talk to parents and students | | | | | |
| -develop parent participation groups or committees | | | | | |
| | | | | | |
| | | | | | |

# Charter School Development Checklist -- Continued

| | Person Responsible | Beginning Date | Date Completed | Committees or Resources | Budget Requirements |
|---|---|---|---|---|---|
| **Governance and organization** | | | | | |
| Decide on an organizational structure that mirrors mission | | | | | |
| Structure formal organization | | | | | |
| -identify legal status, tax exempt status, incorporation… | | | | | |
| -develop bylaws | | | | | |
| -develop governance board (if appropriate) | | | | | |
| -develop appropriate committees | | | | | |
| -develop advisory board (if appropriate) | | | | | |
| Obtain insurance | | | | | |
| Develop transitional strategies | | | | | |
| -transition to a formal governing board | | | | | |
| -transition from pre-operational to operational status | | | | | |
| -develop methods to sustain school after 2-3 years | | | | | |
| | | | | | |
| | | | | | |
| **Budget and operations** | | | | | |
| Develop planning budget | | | | | |
| -identify sources of income | | | | | |
| -identify planning expenses | | | | | |
| Develop fundraising strategies | | | | | |
| Develop operational budget | | | | | |
| -identify sources of income | | | | | |
| -identify operational expenses | | | | | |
| Establish fiscal management plan | | | | | |
| Establish fiscal policies | | | | | |
| -establish monitoring system | | | | | |
| -establish payroll services including staff benefits | | | | | |
| -establish banking system | | | | | |
| -establish case flow policies | | | | | |
| Establish entitlement reporting mechanisms | | | | | |
| Develop 5-year budget | | | | | |
| | | | | | |

# Using the Vision—Opening Session

**Key Issues:**

1. Case study in visioning
2. Writing a good application
3. Core founding group and accessing experts
4. Evaluation of progress—self-evaluation and re-visiting the vision

**Goals:**

1. Participants will learn about various components of start-up logistics and the importance of incorporating their vision and mission statement into all aspects of charter school development and evaluation
2. Participants will obtain specific knowledge in the four areas listed as key issues

# Session A: Case Study in Visioning

**Key Issues:**

1. Understanding the need for vision
2. Understanding the need for a leader who can articulate vision
3. Need for unity of vision
4. What the vision/mission should include
5. How to build the vision/mission and sustain vision

**Goals:**

1. To emphasize the importance of a coherent and strong vision
2. To teach the steps in building, using and renewing vision and mission statements
3. To demonstrate how to align all components of the charter with the vision

**Instructional Resources:**

Pioneer Institute for Public Policy Research. (1997). Chapter two: The Mission Statement. In The Massachusetts charter school handbook. Third Edition. (pp. 3-6).

A Vision of the San Carlos Charter Learning Center

Examples of Charter School Mission Statements

Mission Statement Definition

Mission Statement Development Worksheet

**Session Structure:**

1. Begin with a general discussion of the importance of a vision.
2. Present a series of case studies, visions and mission statements, that can be analyzed in light of the information presented in the session. Analyze for components of a strong vision
3. Analyze your school's vision/mission
4. Analysis of how vision can be built into the organization through the use of policies or other techniques

# Curriculum Outline for:
# Session A: Case Study in Visioning

## I. Organizational Vision

A. Vision—What is it?
  1. A common vision of the educational process. What it means to learn and be educated.
  2. A charter vision is the basis for all school decisions (planning, operation, curriculum, standards, assessment, budget, marketing, motivation, organizational structure, policies)
  3. Key to charter school development is the ability to create, nurture, and implement the vision in all aspects of the schools organization

B. The four steps to a vision
  1. Building the vision—different ways to build a vision
    a. Consensus based
    b. Collaboration
    c. Adoption of an existing vision (i.e., Core Knowledge, Waldorf, Paidea)
  2. Communicating the vision
    a. Talk to the community, the staff, the parents, the students
    b. Develop ways to create and nurture the vision
  3. Keeping the vision
    a. Continually revisit the vision
    b. Implement vision in curriculum, assessment, hiring, all policies, and the strategic plan
  4. Renewing the vision
    a. Sustainability
    b. Adding new board members
    c. Adding new staff
    d. School evaluation
    e. School renewal
    f. Changing the vision

C. Successful leaders need to develop, carry-out, implement, and sustain the vision
  1. Development of leadership skills
  2. Leadership skills in the planning phase and the operational phase

II. **Strong Mission Statements**

A. Key questions a mission statement answers:
  1. Who are we?
  2. Who do we serve?
  3. What do we provide?
  4. How do we provide it?

B. What is in a mission statement? A mission statement:
  1. Is future oriented—What will your school be?
  2. Describes the unique purpose of your school
  3. Describes the unique function your school performs

C. Specifically, a mission statement should refer to:
  1. Clients
  2. Curriculum, standards, assessment, evaluation
  3. Values
  4. Educational approach
  5. Outcomes and goals
  6. Sustainability

Excerpted from: *The Massachusetts Charter School Handbook.* (1997). Boston, MA: Pioneer Institute for Public Policy

# The Mission Statement

## Chapter 2

*"A mission statement is a powerful tool for school improvement. Properly constructed, it empowers everyone in the school to assume responsibility for the school's ultimate direction. It is, at once, a commitment, a promise, a guide for decisions, and a set of criteria by which to measure the school's progress toward its defined purposes. Increasingly, the mission statement is indispensable for effective school leadership."*

—Council on Middle Level Education of the National Association of Secondary School Principals (NASSP), 1987

Charter school founding groups come together in a variety of ways to dream the dream. Critical to giving a dream substance is the development of a mission statement. The statement defines the school's purposes and objectives as they are understood and practiced by the school community. Missions are important in shaping a school's character and in maintaining a sense of direction and vitality.

## Developing a Mission Statement

Mission can come from all angles and directions and can incorporate a multitude of ideas and ideologies. Several approaches have proven successful for developing a mission statement. A ground-up collaborative approach, for instance, might involve parents, teachers, and administrators who come together with a roughly similar vision in order to develop a fuller consensus through a group decision-making process. An alternative approach might be based on an established mission or educational philosophy, such as the Montessori model or the principles of the Coalition of Essential Schools. Under this approach, a charter school team would develop around an existing mission statement, rather than the reverse.

***"Mission statements are not set in concrete. They evolve over time."***

Mission statements are not set in concrete. They evolve over time. Members of the governing bodies, faculty, students, alumni, and parents should be encouraged to participate in the continuing evolution of the mission statement to ensure that all of these stakeholders feel a sense of ownership in the school's core values and vision.

✓ **A mission statement should include five elements:**

- **Values**
- **Educational Approach**
- **Curriculum Focus**
- **Customer Focus**
- **Outcomes and Goals**

To give you an idea of the different directions mission statements can take, we've included on the following pages excerpts from actual charter school applications[1] that might serve as models for you to think about with respect to each of the five elements.

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[1] Not all of the applications cited have been approved by the state

## The Mission Statement

"**Community Day Charter School** of Lawrence proposes a school of the community. We come together in partnership as individuals who share many interchangeable roles. We are parents, teachers, administrators and students who view ourselves a community of learners, all sharing a strong sense of hope for our school and our city. ... Our vision is informed by a perspective embedded in cultural diversity and by an understanding of the needs of working immigrant families."

"**Boston University Residential Charter School** is designed primarily to serve youth at-risk from inner city settings. More specifically, our primary population is homeless youth or youth in foster care."

## Outcomes and Goals

"The mission of **Lowell Middlesex Academy** is to enable students to achieve academic, social, and career success by providing a supportive community that identifies, encourages, and develops each student's interests and abilities. The college campus environment enables students to discover the wide variety of opportunities open to them and foster a sense of responsibility for their own education. Upon graduating from the Academy, each student will have:

- A high school diploma;
- A clearly demonstrated set of academic skills;
- Experience in the workplace and in community service;
- A clear awareness of their rights and responsibilities as citizens;
- A personal development plan for the years beyond high school."

"All students of **City On A Hill Charter School** must be able to do the following, in order to earn a diploma: write a well-structured and interesting essay; defend their views on various subjects, contemporary and historical; converse in a second language; design, perform, and analyze a scientific experiment; deliver a ten-fifteen minute oral presentation to the school community; discuss current events in their historical and intellectual contexts; recite important literary passages and American speeches; demonstrate an advanced skill in athletics, music, and the visual arts; complete a significant independent project each year; use a computer."

✓ **Make sure that your mission statement is published in all your marketing and other literature, including handbooks, parent information forms, newsletters, student handbooks, and press releases.**

## The Mission Statement

"**Edison Schools** will be characterized by individualization and high standards for all students. We will have uniform expectations for everyone. There will be no tracking in Edison Schools. Diverse teaching methods, an individualized approach to instruction that respects differences among children, personalized "learning contracts" and assessment systems, and imaginative uses of technology will enable us to ensure that each child actually learns and that none falls irrevocably behind."

## Curriculum Focus

The **Benjamin Franklin Classical Charter School**'s mission "is to assist parents in their role as the primary educators of their children by providing a classical academic education coupled with innovative programs for character building and community service. The *Core Knowledge Sequence*, recently developed by renowned educator E.D. Hirsch in collaboration with educators throughout the country, provides a carefully planned and thematically integrated curriculum focusing on a body of classical knowledge of proved and lasting significance assumed in public discourse and known by a broad majority of literate Americans."

"The **Edison** curriculum will span five domains. Academics will naturally be at its center, but we will also attend closely to creativity, physical fitness and health, values and character, and practical skills."

**Pioneer Valley Performing Arts Charter High School**: "Our mission is to provide the Pioneer Valley a high school for the performing arts, offering students demonstrating interest and ability access to professional, creative performing arts experience and resources far exceeding any other available educational setting."

## Customer Focus

The mission of **YouthBuild Boston, Inc.**, a youth development organization, is to "provide disenfranchised young people with the academic, vocational, social and leadership skills they need to leave life on the street, rebuild their lives, and take responsibility for themselves, their families, and the revitalization of their community. ... The YouthBuild Boston Academy offers young people who have dropped out of school a hands-on, interactive, family-like learning environment in which to reclaim their education and prepare for a lifetime of continued learning and economic independence. The academy is designed for students who failed school or for whom the school system has failed."

"The core philosophy of the **Lawrence Family Development Charter School** is the integration of family and cultural values into the governance and curriculum of a school developed to model parental involvement in education as the foundation for increased academic achievement of their children. Strong families, working in partnership with the school as advocates for academic achievement will create an environment where every child has the opportunity to acquire the foundation skills and habits of mind that foster life long learning, citizen participation and personal fulfillment. The Lawrence Family Development Charter School is founded on the belief that the education of children is the shared responsibility of families, schools and communities."

## The Mission Statement

### Values

"The **Neighborhood House Charter School** of Boston believe[s] that the underpinnings of change rely on the creation of a learning community, where everyone has something to learn and something to teach. ... The mission of the Neighborhood House Charter School is to develop in each child the love of learning, an ability to nurture family members, friends, and self, the ability to engage in critical thinking and to demonstrate complete mastery of the academic building blocks necessary for a successful future."

"The **Boston University Residential Charter School** will develop a community environment within the school where civility and respect for others is the norm. It will be an environment in which innovation, challenged thinking, disciplined inquiry, and team work will be promoted. The school becomes a shared enterprise among students, teachers, and staff. It also will be an environment that is grounded in the reality that the students attending this school need to have some very concrete skills to make a successful transition from academics to the world of work... The education experience of the Boston University Charter School at Fort Devens will provide a first hand look at community building in the making, as a completely new community expands from the solid community base established by the U.S. Army."

"**City On A Hill** is dedicated to rekindling in urban youth the hunger for learning, the respect for hard work, the commitment to public service, and the passion for democracy. We will be a 7th-12th grade school in urban Boston. ... The democratic habits of tolerance, thoughtful debate, civic involvement, and hard work are not innate. They must be taught, exercised, and owned. City on a Hill will prepare students to understand, practice, and embrace the principles and habits of democracy."

### Educational Approach

The mission of the **Francis W. Parker Charter School** "is based upon the nine principles of the Coalition of Essential Schools and designed to reflect the needs of this community. Much as the conventional model of schools addressed the needs of industrialization, Parker's program and curriculum will address the needs of knowledge workers in the next century, preparing all children to use their minds well in whatever occupation they choose."

"The **South Shore Charter School** ... seeks to accomplish its mission...through a student-centered, heterogeneous school that holds out high expectations for each student, teacher, parent, community member, and external business, college, or nonprofit partner organization, which are all encouraged to participate as essential to a school environment that is conducive to learning and responsive to, reflective of, and current with market forces. Students are encouraged to take responsibility for decisions about the operation of the public South Shore Charter School. Students are challenged to proceed at their optimum rate of learning. The Charter School encourages initiative and innovation and creates an environment of mutual respect where daily successes and mistakes are seen as part of the learning process. Students make regular interdisciplinary exhibitions of mastery of what they are learning before professionals and experts in their respective areas. The curriculum will be mainly interdisciplinary and project-based with a strong academic underpinning offered by a rich variety of resources."

# A Vision of the San Carlos Charter Learning Center

**Prepared by Members of the Charter Community**

*Third Edition, January 1995*

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I Introduction: Why A New School

II Values and Principles
- Individual Values
- Group Values
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III The Learning Program: What and How
- Foundations
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- Content
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IV Participants: Who
- Some Definitions
- Roles and Relationships

V The Learning Environment: Where and When

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## I. Introduction
## Why A New School?

The granting of the San Carlos Community Charter is a gift the community has chosen to give to itself. Its implementation has created a new learning system that provides an opportunity to innovate and explore, to be at the cutting edge of educational reform, and to lead our schools and our community into the 21st century.

The establishment of the CLC was made possible by Senate Bill 1448, passed by the California State Legislature in September, 1992. This legislation allows the creation of up to 100 Charter Schools in our state. Members of the San Carlos community, in close collaboration with District personnel, wrote the Charter proposal. It was endorsed by more than the requisite number of our teachers and then submitted to the San Carlos School District Board of Trustees. The proposal was unanimously approved by the Board and, in February of 1993, the state named San Carlos the site of California's first Charter School. Members of the Charter Community are accountable to the Board of Trustees (grantors of the Charter) for meeting the outcomes specified in the Charter.

The gifts the Charter legislation granted, and our community accepted, are freedom and opportunity:
• freedom from the California code of education and
• opportunity to create a school under local control and designed to meet local needs.

It is an opportunity to quickly and straightforwardly implement what the local citizens believe to be the best ideas, both new and old, about how to educate children

The primary focus of the Charter Learning Center is on the well-being of the children of our community. Project deisgners have created a purposeful, living laboratory which operates in a caring, supportive and closely watched environment. As an integral part of the San Carlos School District, the Charter's successful innovations will be transferable to other schools in the District and to the larger world community, thus benefiting all of our children The CLC will also benefit adult members of the community. CLC members seek to make education a community passion

This freedom and opportunity will allow the Charter to be more unique in the following ways:

- additional focus on individual, personalized learning which can provide flexibility for learners who want to help direct their own

education;
- parent participation which will challenge parents to be more deeply involved in their child's education;
- community service roles for the learners which intertwine the community and the school in partnership;
- extended school hours to enhance learning and meet the needs of families through the Educare program;
- offering technology opportunities to learners to really push the limit of what it means to prepare for the 21st century;
- encourage educators and learners to be more innovative

The mission described in the Charter is the following: *"Our mission is to create a learning system that develops students who are competent, confident, productive and responsible young adults who will possess the habits, skills and attitudes to succeed in high school, and be offered the invitation of a post-secondary education and satisfying employment."*

## II. Values and Principles

As members of the San Carlos Charter Community, we share a set of values We define **values** to be qualities and attributes that are worthwhile and that we seek to have present in all we do as members of the Charter Community.

### Individual Values

**Personal Responsibility** — As Charter Community members we accept responsibility for ourselves as individuals, for how we act, express and react, and are accountable for the consequences of those actions, expressions and reactions.

**Personal Mastery** — We strive for personal mastery, the process of continual improvement. We continually seek to surpass our previous personal best.

**Personal Integrity** — As individuals, we seek to understand ourselves, be clear about what we believe and live those beliefs. Our words and, most importantly, our actions are congruent with our beliefs. Children will do as we do, not as we say.

**Self-Esteem** — Our self-image and vision of our future have a major impact on how we function throughout life. We seek to acknowledge individual achievements, validate personal goals, recognize each member's uniqueness and encourage interpersonal and intra-personal skill acquisition in order to foster development of self-esteem.

### Group Values

**Shared Responsibility** — The Charter Community is a collaboration whose members share goals, responsibilities and leadership. We seek our fair share of the work load, and view ourselves as accountable for the outcomes produced by the Charter. We acknowledge a global responsibility that is an extension of our personal responsibility. While each of us is responsible for our own actions and accountable for their consequences, we share a responsibility for the well-being of our group, our community, our country and our planet.

**Community** — Community is individuals coming together in a spirit of cooperation and fellowship for the purpose of creating something that is out of their reach if they function independently. As we seek to create and maintain community, we recognize the unique worth of each individual. We acknowledge our commonalties and work to understand and appreciate our diversities.

### Principles

We consider **principles** to be guides to action. We agree to apply the principles of balance and flexibility as we undertake the work of the Charter.

**Balance** — In all its activities, the Charter Community seeks to achieve a fair balance between meeting the needs of the individual and the well being of the group, between the quality of the outcome and of the process that creates that outcome, between the need for satisfying work and rejuvenating play.

**Flexibility** — For the CLC to remain responsive to its members and the community, it must be flexible. We view our values as constant, but we recognize our situation is continuously evolving. We strive to be both self-examining and self-changing while continuing to hold fast to the values set forth above

## III. The Learning Program
## What and How

### Foundations

The Charter's **learning program** is built on the belief that all children can learn, but not in the same way, nor equally well from the same sources. It recognizes that children are variously gifted. Based on the work of Howard Gardner of Harvard, there are at least seven different capabilities or "intelligences"

- linguistic
- mathematical/logical
- intrapersonal (self)
- interpersonal (others)
- bodily-kinesthetic
- spatial
- musical

While retaining the traditional heavy focus on the linguistic and mathematical/logical areas ("the three R's"), the Charter's learning program recognizes the worth of and seeks to develop all these areas.

The centerpiece of the Charter's learning program is the **Personalized Learning Plan.** Working together, student, parent and educator seek to identify, for each learner, areas of greatest strength and weakness and to define individual learning styles. The plan encourages the learner to capitalize on strengths and shore up areas of weaknesses. Individual learning goals are set and are linked to personal interests and needs.

The personalized learning plan encourages learners to take personal responsibility for their own learning while encouraging teachers, parents and the community to share in that responsibility. Through the use of personalized learning plans, the CLC ensures that children are not penalized for the rate at which they learn. The faster learner is continuously presented with new challenges, while the slower learner benefits from extra adult help, and all learners benefit from multiple approaches and multiple environments.

The learning program supports the Charter's goal of developing **"lifelong learners."** It is designed to stimulate the desire to learn. It is based on the belief that all learners possess an innate and unique creativity that can be developed given the appropriate environment. It allows for the joy of knowledge and self-expression and the thrill of exploration. It is flexible to accommodate the individuality of learners and to evolve as the Charter Community learns and grows, and as the world around us evolves.

## The Partnership Perspective

"*Interconnectedness*" and "*relevance*" are hallmarks of the Charter learning program, and find expression in the analogy of "building bridges over walls." Our challenge is to identify and surmount: a) the walls that separate people of all ages from a love of learning; b) the arriers that prevent them from preparing for and finding successful and satisfying employment; and c) the barricades that divide dividuals from each other and from their local, national and international communities.

*Bridges to Learning*—A sustained love of discovery is the foundation of lifelong learning. The creativity and enthusiasm for discovery that is natural in young children is nurtured and expanded throughout the Charter educational experience. Real learning takes place when active participants make personal connections to the skills and knowledge available to them.

Motivation is the key to building this participatory, connected learning. The root of motivation is linking new skills and knowledge to personal interests and needs. Special emphasis is given to the relevance each subject has to the learner's own goals.

Unifying themes bridge various subjects and show the impact each has upon the other and the relevance of each to the real world. Sample unifying themes are: a) how mathematics is integrated into the sciences and the arts; b) the impact of science, the arts, agriculture, etc. on historical trends; c) comparing animal and human division of labor and social structures; or d) sharing scientific results through expository writing.

*Bridges between Individuals*—CLC members recognize that they are living in a cross-cultural and multi-religious global society. Appreciation of and respect for group and individual differences and similarities is encouraged. Learners develop their own social insights by examining the impact that racial, religious and ethnic divisions have had on local and international communities. They understand the effect individuals can have in our increasingly interdependent world.

Bridges are more easily built when individual and group competitions in sports and other activities are free of hostility. We encourage competition based on personal mastery and a striving to improve one's own best performance.

*Bridges to the Community*—The Charter describes an alliance made up of a "seamless web of educators, parents, businesses, community services and local stakeholders - all dedicated to the learners". The Charter addresses parents' needs with extended school hours and evening and weekend family learning programs (computers, foreign language, ESL, parenting classes etc.) in return for parental participation in the CLC.

The Charter supports interagency cooperation and the sharing of services. Community facilities and programs are used when possible to liver learning experiences, for example, in physical education (Parks & Rec Department), health and safety (Fire Department), performing arts (Children's Theater groups). In return Charter students participate in required Community Service programs.

Businesses are important partners in the Charter Learning Center. Those that donate equipment, services and expertise to Charter learners have access to Charter Learning Center programs and facilities. Business partners provide guest teachers, mentors, or field trips, or help learners set up and run their own small businesses. They keep the CLC abreast of requisite marketplace skills and help develop a workforce prepared for the 21st century while establishing links with future customers and employees.

Local schools and colleges will partner with the Charter in cooperative learning programs. Colleges may use Charter sites for teacher training. Projects with area elementary and secondary schools and colleges bring learners of varying ages together in endeavors such as science fairs, foreign language dinners, field trips, etc.

The Charter considers the community to be its classroom. When learning takes place in the world beyond the classroom, the learners understand their connection to that world and their responsibilities as productive citizens. We share a commitment to develop in all learners a sense of responsibility towards the health of our planet and our cities. Learners will realize they can influence and improve the quality of their total environment.

## Approaches

The Charter Learning Center is distinguished by the multiplicity of ways in which it seeks to ensure student learning. Not all students have equally successful outcomes. The Charter uses uncommon means to achieve common ends. Through its multiple approaches, all students are successful, capable of fulfilling their potential.

*The Subject Matter Approach* presumes that an educated learner needs to know clearly defined skills and concepts that can best be learned in an organized sequential fashion. Traditionally this approach has been predominately lecture-based. The Charter aims to add computer-based learning to increase the efficiency of this approach and provide the opportunity for drill.

*The Inquiry and Problem Solving Approach* suggests that learning occurs when individuals think critically and solve problems. The predominate premise of this approach is that it is important to know how to retrieve and use the information, not just to have instant recall and possession of the information.

*The Individualized Learning Approach* attempts to personalize the learning process to the interests of the individual, allowing a self-directed selection of material to master. The reasons for learning thus become one's own curiosity and personal applicability of the information learned.

*The Discussion Approach* encourages learning through sharing of information and concepts within a group, with the thinking process playing an important role. A discussion leader is prepared to recognize each learner's level of understanding and can respond at the level most helpful to the learner.[1]

## Learning Opportunities

Multiple learning opportunities are afforded Charter Learning Center students. Some are familiar, some are novel, but all strive to make learning relevant and purposeful and to actively engage the learner.

*Problem-solving groups* assemble multi-age learners to apply knowledge they have acquired and to practice new skills by tackling both real world problems and problems simulated to model the current work-world.

*Peer teaching* provides an opportunity for learners to become educators and reinforce their own knowledge and mastery of new skills through presentations of their own work and "learning buddy" activities.

*Business enterprises* established within the Charter offer the opportunity for real-world experiences. Working in partnership with mentors from the business world, Charter learners apply new insights and skills directly to their own enterprises.

*Research and development activities* abound as students help design, create and field test new learning tools and methods in partnership with business, industry and institutes of higher education.

## Assessment

Assessment is used to support and guide the learning process and act as a tool to recognize accomplishment and certify that knowledge has been gained. Assessment also identifies those areas where understanding is still incomplete and enables students to focus their efforts where they will produce the greatest benefit.

Assessment in the CLC is a means of measuring each learner's progress according to clearly recognizable standards. It is a tool for helping students learn more about their own strengths and weaknesses without intimidation, fear, or feeling there are winners and losers. It is a source of motivation for the learners and a guide for helping them achieve personal mastery. It is carried out in a spirit of collaboration and provides positive reinforcement to the learner.

Standards, not standardization, are the basis of assessment. The quality requirements for given tasks, similar to the quality requirements of business, are demonstrated to learners in such a way that they can envision and creatively improve on such requirements. The assessment of the results is based on meeting or exceeding the utility for which the task was needed in the first place. The goal is not to give a grade, which may be a minor by-product, but to make efforts and rewards similar to those of normal adult living and responsibilities. "Make "earning experiences real!"

Self assessment is a unique learning opportunity for Charter students. As active participants in assessment of their own work, learners are encouraged to develop intrapersonal understanding of their strengths and weakensses and an objective view of their accomplishments.

Performance is assessed on at least three levels. 1) Student progress relative to previous performance is assessed through the Grady profile. 2) Performance is also assessed relative to locally developed standards using exemplars. 3) CLC learners are exposed to some traditional examination methods.

The CLC population must perform in the top 25% of California students from districts comparable to San Carlos.

**Content (Curriculum)**

The Charter Curriculum defines both the subject matter, the desired outcomes, and the methods of assessment in each learning discipline. The curriculum contains both traditional academic subjects and additional subject areas that make the Charter unique.

An explicit goal of the Charter is to prepare learners to be functional citizens of the 21st century. Such preparation is more than the assimilation of facts. Proficiency in a discipline means that the learner becomes a capable practitioner and has a sufficient foundation to pursue advanced study. The charter emphasizes both the acquisition and application of knowledge. The curriculum defines the knowledge, skills, and achievement levels commensurate with proficiency.

The traditional core curriculum areas — language arts, math, science, social studies — remain strongly emphasized. They are augmented by music, dance, theater, art, environemntal studies, health, and physical education.

*Language Arts (English and foreign)* —The goals are to develop learners who are effective communicators, who love literature, and are lifelong readers and writers. Comprehension skills, vocabulary and grammar are integrated within a literature program. Writing includes a personal journal, and creative and expository writing. Communication skills include speaking and writing, and expand into presentation skills using modern technological tools.

*Science* — The Charter science curriculum emphasizes hands-on experimentation and functional knowledge of scientific phenomena. While the specific scientific disciplines are the same as presented in the California State Board of Education Science framework, the Charter curriculum differs in several areas. This approach facilitates experiments, field-trips and visits from guest scientists and local experts. Major concepts are re-emphasized as appropriate and relevant to the interrelationship of disciplines.

*Mathematics* — The program is based on major mathematical ideas and how concepts and those connections are relevant to the learners' lives. Throughout all mathematics topics the concepts of numbers, operations, logic and graphics are sustained.

*Social Studies* — The curriculum develops learners who understand that history and social science are about real people, in real places, solving problems relevant to the learners' own lives. Students understand the interrelationships between the peoples of the world and study the past as the background and prelude to the present.

*Visual and Performing Arts* — A goal is that the learners embrace the values of arts appreciation, and self and group expression in the visual arts, music, theater and dance. The curriculum strives to instill confidence in the learner's artistic self-expression, and the appreciation of the artistry of others.

Each learner will be given the opportunity to participate in music; dance or movement activities; visual art tech-niques; and art forms as a primary means of expression.

*Environmental Studies*—Study of the effects of science and politics on the health of our planet and of our cities. Students will learn the skills and concepts necessary to allow them to influence and believe that they can improve the quality of their local and global environments. Learners will participate in hands-on projects intended to form an awareness of the critical relationships between the built and natural environments.

*Health and Physical Education*—One of the Charter's stated outcomes is 21st century citizens with a healthy lifestyle. The Charter Learning Center provides an atmosphere that encourages all learners to enjoy physical activity, and to incorporate it into their lives. The program emphasizes "lifetime" or "individual" activities as well as "cooperative" sports to emphasize the concept of lifelong activity.

**Unique Aspects**

Relative to current California public education, the distinctive aspects of the Charter curriculum include a practical facility in a second language, integration of community service into the learning process, full integration of technology as a learning tool, and the Educare program.

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*Foreign Language* — Study of a foreign language is an integral and distinguishing aspect of the Charter curriculum. An expected outcome is that learners will communicate and interact effectively in at least one language in addition to their native language. The Charter uses local linguistic and cultural diversity to further the learners' development.

*Community Service* —Community service is a vital and distinctive element of the Charter curriculum. The community service requirement is designed to instill a sense of individual responsibility, social responsibility and civic responsibility. It enables learners to use newly found knowledge to solve community problems. Specifics of the program are determined by the learners and Charter staff based on current community needs and interaction with community and government leaders.

*Technology* — Technology includes learning tools such as computers, interactive video equipment, audio-visual aids, scientific equipment and networks linked to local and nationwide resources.

These tools help students guide their own education. They support a child's natural way of learning through individual and group discovery, and through seeking solutions to real life challenges.

Charter Learning Center computers are tools used for activities such as:

- Research: electronic reference books, databases, networks, etc.
- Authoring: Create/illustrate stories and reports in media such as printed documents, videos and digital film
- Drill, Practice, Remediation: Repetetive tasks which offer immediate feedback and help for success
- Computation: spreadsheets and other software applications to practice mathematical skills
- Simulation: Interactive electronic simulations of work tasks.
- Record-keeping and Storage: Databases used as effective tools for tracking school and business records, schedules, inventories, etc.
- Communications: Networks linked to the learners home, the Internet, other schools, and databases worldwide.

Educare - The charter makes reference to learning as a year-long, dawn-to-dusk experience. Educare is the means through which we will move toward that end. Educare contributes to a learning environment that is based on mutual respect of all participating parties, that is learner-directed, recognizes that children learn in different ways and never forgets that learning is fun.

Educare is an all-day enrichment program that provides additional educational opportunities for learners enrolled in before and after school periods. Through fees charged for the before and after-school components, the Educare program, when fully subscribed, supplies extra school-day personnel in the form of Educare interns. These college students and college graduates cover most of the school day and work consistently with the same educators. They plan with the educators, take over small group supervision, teach lessons when appropriate and give individual help to learners who are ready to move ahead or who need extra encouragement.

The intern staff takes over the classrooms for several hours during the week to afford the educator staff essential planning time. This option is integral to maximizing the capabilities of our staff. It allows trained educators to s hare their knowledge and their passion for certain subject areas with other educators and non-educator professionals. Non-educators in turn contribute their professional expertise to enrich and enliven the traditional school experience with real-life examples and know-how. The staff itself models our philosophy that "everyone is a learner."

Educare enrolls learners on either a regular or drop-in basis and provides them with learning experiences such as a model-building club, drama club, athletics club, game club, and How Does it Work? club. Homework help, either group assistance or individual tutoring, is available daily. Learners are encouraged to use their time to work on core projects, practice musical instruments, improve their interpersonal skills through group games, take time alone to read or reflect and in general engage in purposeful activities.

## IV. Participants
## Who

### Some Definitions

*Participants* — The learner is the central focus of the Charter Learning Center. Initial emphasis is on learners in kindergarten and grades 4-6, with gradual expansion in subsequent years to K-12. An invitation is extended to any learner currently working at these levels and residing in the state of California. The other participants comprise the "seamless web of educators, parents, businesses, community services and local stakeholders" described in the Charter.

*Learning Team* — The fundamental structural and relationship unit for the learner is the learning team. Learners join a multi-age group for an extended period of time that describe a functional community that can embrace 20-90 learners, one master educator, and other team members to create a 15:1 learner:adult ratio, or less.Other team members include regularly participating parent members, Educare interns, and others from the community and the business world. Functional community is described as a changing/evolving group that can develop the resources that provide each individual essential learning and socialization needs.

### Roles and Relationships

In the Charter Learning Center "every educator is a learner, every learner is an educator, every parent is both and everyone is a winner." This belief helps define the participants' roles and the relationships members have to one another.

earners, in their multi-age level learning teams, are afforded the opportunity not only to learn, but to help others learn. The assessment process which stresses student presentation of projects, provides opportunities for students to learn from one another. Many learning activities are undertaken in cooperative learning groups creating additional avenues for students to teach each other.

Staff at the CLC includes credentialed and non-credentialed educators, community educators and support personnel. Their role is to directly provide and/or provide for the means and the atmosphere that enable students to learn. Their relationship to one another is non-hierarchical in the sense that every staff person (with learners) shares in the responsibility for the educational process. The governing procedure is flexible, maximizing opportunities for consensus decision-making, and assuring that those most responsible for specific aspects have the authority and resources needed to carry out their mandates.

Credentialed educators bring expertise in methodology, knowledge of effective teaching and presentation strategies, understanding of how children learn and capabilities to help identify student's learning styles. Non-credentialed educators are professionals from outside the education establishment (or community) who bring their expertise to enrich and enliven the learning experience with real life examples and know-how. All of these educators are responsible for the design of the curriculum and the coordination of learning activities.

Community educators include parents and community members who bring their knowledge and passion for various areas to supplement the efforts of the CLC educator staff. Thus the CLC uses native speakers to help teach foreign language, physicists to help teach mathematics, professional artists to create the art program and local business owners to teach fundamentals of business.

This model affords CLC learners exposure to scientists as well as science educators, historians as well as history educators, poets and authors as well as language arts educators and artists as well as art educators. The CLC educators partner with community educators who bring content expertise and real-world experience to the learning arena. CLC educators ensure that the community educators can effectively interact with the learners, while these community educators ensure a broader base of up–to–the–minute knowledge and skills than might otherwise be possible.

All staff partner with parents, who bring an in-depth understanding of their children's personalities, learning styles and strengths and weaknesses, to create and revise at regular intervals, a personalized learning plan. Each student will be paired with an adviser who serves as counselor and friend and who remains with that student on a long-term basis. The adviser meets regularly with the student and his or her mily to review the learner's progress.

The educators also work with parents to implement effective strategies whereby parents can support the children's learning efforts. Training is provided to better equip parents to meet their children's learning-related needs.

## V. The Learning Environment
## Where and When

"It takes a whole village to raise a child." Recognizing the wisdom of this African proverb, Charter community members not only reach out to the community for educators, mentors and advisers as described in the previous section, but also view the entire community as the classroom. Learning activities are coordinated and orchestrated from a central site which also provides a homeroom for each learning team. Under supervision of staff, mentors or parents, learners are encouraged to take advantage of the diverse resources within the extended community, including other schools, institutions of higher learning, community service, and cultural arts programs, and programs developed with local businesses and corporations; all with the intent of immersing the child in a culturally enriched and useful educational experience.

The Charter Learning Center intends to meet the needs of families by eventually providing year-round, dawn–to–dusk learning opportunities. The Charter Learning Center will comply with the equivalent of the California-mandated minimum number of school days. These periods of time will serve to establish the basic organizational structure of the school year, to schedule all activities for participants, and to insure the personal and learning needs of all learners are met.

The child's home environment offers new learning opportunities including interactive video through cable interconnects within the community, and also through the use of available educational computer software. This not only allows a child to view and interact with fellow learners at all times, but enables parents and children together to benefit from evening telecourses.

## VI. In Conclusion

The Charter Learning Center has opened at a size appropriate for a pilot project. Initial enrollment is 85 students in the kindergarten and urth through sixth grade.

The CLC will provide a research and development function for the San Carlos School District. By practicing and testing the ideas set forth in this document, we will develop new ways of educating youth and partnering with the community and provide a fertile ground for the growth and development of both new and experienced educators.

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The Charter has been granted for a K-8 operation but the vision is for a K-12 learning center that serves the community as well as enrolled learners and extends itself to provide both adult education and early childhood care and education.

# Examples of Charter School Mission Statements

**ABC Alternative Learning Center**
Phoenix , AZ
School Status: Operating Year of Opening: 1995
**Mission Statement:** ABC Alternative Learning Center will provide a comprehensive basic skills curriculum for grade levels Kindergarten through Sixth that is committed to cooperative learning practices and school-community partnerships with a central emphasis for all students on developing competency in basic skills, thus enhancing students' self-confidence, leadership abilities and social competence.

**Academy of Charter Schools**
Denver , CO 80229
School Status: Operating Year of Opening: 1994
**Mission Statement:** Our mission is to offer students, kindergarten through twelfth grade, having a variety of learning and communication styles, the opportunity, within a safe and structured environment, to excel at a challenging course of study through testing, writing, speech, languages, logic, civics, history, geography, research and computer skills, math, scientific methods, arts, music, and physical education.

**BayView Charter School**
Seward , AK
School Status: Operating Year of Opening: 1997
**Mission Statement:** BayView School Community is committed to providing a public school option where all members, students, staff, and parents function democratically. Students are valued as unique individuals who are encouraged to learn both independently and collaboratively. A hands on approach is emphasized integrating the arts and appreciation of the natural world. The school community embraces diversity, creating small, mixed age and family oriented environments which exhibit mutual respect and caring.

**EduPreneurship Student Center**
Scottsdale , AZ
School Status: Operating Year of Opening: 1995
**Mission Statement:** EduPreneurship is dedicated to providing children with an education that will enable them to be successful in today's complex society. Creating a learning environment that is relevant, active, and product-oriented to ensure our children stay "turned on" and "tuned in" is essential to the educational process. We believe in practicing the precepts of a Democratic society by students holding themselves accountable for their own actions thus preparing them to be good citizens.

**HomeSource- Bethel Family Technology & Resource Center**
Eugene , OR
School Status: Operating Year of Opening: 1996
**Mission Statement:** Serving Homeschool families with Technology & Resources

**The Howard Street Charter School**
Salem , OR
School Status: Operating Year of Opening: 1997
**Mission Statement:** The School believes that literacy in the English language and a second language, learning and experience in the fine and performing arts, and academic and experiential exposure to scientific, mathematical and technological discovery are vital elements of middle school education. The School serves the individual student, meeting the needs of the learner. Teachers and administrators are responsible for curriculum and program development. A constructive, selfless, contributory partnership among students, teachers, parents, and community resources ensures focus on the mission of the School. Respect and responsibility guide the School's decisions and actions.

**Jefferson Academy**
Broomfield, CO
School Status: Operating Year of Opening: 1994
**Mission Statement:** The mission of Jefferson Academy is to help students attain their highest social and academic potential through an academically rigorous, content-rich educational program.

**Pimeria Alta School, Inc.**
Nogales , AZ
School Status: Operating Year of Opening: 1995
**Mission Statement:** Where education is a shared responsibility of the school, students, parents, and the community.

**PPEP TEC High School**
Tucson, AZ
School Status: Operating Year of Opening: 1995
**Mission Statement:** The mission of PPEP TEC High School is to (1) provide quality educational programs and services to students ages sixteen through twenty-one in grades nine through twelve who would otherwise become permanent drop-outs of our public educational system, and (2) provide students with the knowledge, skills, and abilities necessary to obtain employment, or continue their education in post-secondary institutions.

**San Carlos Charter Learning Center**
San Mateo County, CA
School Status: Operating Year of Opening: 1994
**Mission Statement:** The mission of the San Carlos Charter Learning Center [SCCLC] is to develop learners who are competent, confident, productive and responsible young adults, who possess the habits, skills, and attitudes needed to succeed in high school, post-secondary education and obtain satisfying employment.

**Stargate School**
Eastlake , CO
School Status: Operating Year of Opening: 1994
**Mission Statement:** We believe each child is entitled to an education commensurate with his/her ability to learn. Our purpose is to create a charter school with multi-district enrollment to serve those children, ages 3 - 18, whose academic and/or intellectual abilities require differentiated educational programs and/or services beyond those normally provided by the regular school program. This differentiated educational program will be made available regardless of disability, race, creed, color, gender, national origin, religion, or ancestry, so that these children can realize their contribution to self and society.

**Swallows Charter Academy**
Pueblo West , CO
School Status: Operating Year of Opening: 1996
**Mission Statement:** To develop character and academic potential in its students, through academically rigorous, content-rich programs built around a spirit of community.

**Temecula Learning Center**
Temecula , CA
School Status: Operating Year of Opening: 1994
**Mission Statement:** To provide hands-on, individualized instruction in multi-age classrooms with strong family involvement.

**Valley Academy**
Phoenix , AZ
School Status: Operating Year of Opening: 1995
**Mission Statement:** Valley Academy will offer parents and students the choice of a school environment emphasizing basic skills, while requiring high academic and behavioral standards of every student.

**Waialae School**
Honolulu , HI
School Status: Operating Year of Opening: 1995
**Mission Statement:** The mission of Waialae Elementary School's educational faculty is to facilitate student learning in a democratic environment in order for students to develop into effective and responsible citizens.

# A Mission Statement:

- describes the unique purpose of the group or organization
- presents the unique function the group or organization performs
- draws on member belief statements
- is future oriented - What will the group be?
- is a short statement of about 30 words or less

## Mission Statement Worksheet

Write down some statements that describe what you believe the purpose or role of PACE is or should be:

1. ______________________________

2. ______________________________

3. ______________________________

4. ______________________________

Distill belief
statements or ideas
down
into your:

**Mission Statement**

(tightly written with 30 words or less)

***Mission Statement:*** ______________________________

______________________________

______________________________

______________________________

______________________________

______________________________

# Session B: Core Founding Group and Accessing Experts

**Key Issues:**

1. Reasons for having a core founding group
2. Characteristics of a core founding group
    a. Share vision
    b. Have passion
    c. Have expertise in multiple areas
3. How to access experts
4. How to develop and sustain core founding group

**Goals:**

1. Participants will understand the need for expertise and shared vision in the core founding group
2. Participants will learn strategies to access expertise

**Instructional Resources:**

Asset Mapping—How to find and access expertise

Characteristics of a good team member

**Additional Resources:**

Available technical assistance by State. See: State-specific resource workbook

Bittle, E. H., Ahlers, Cooney, Dorweiler, Haynie, Smith & Allbee. (1997). What to Expect of a School Attorney. In Selecting and Working With a School Attorney: A Guide for School Boards. National School Boards Association, Alexandria, VA.

Millot, M. D. & Lake, R. (1996). So You Want to Start a Charter School? Strategic Advice for Applicants. Institute for Public Policy and Management. Graduate School of Public Affairs. University of Washington. Rand Institute for Education and Training.

**Session Structure:**

1. General overview of reasons for having a core founding group, characteristics of group, how to access experts, and how to sustain founding group
2. Outline the need for expertise in a variety of areas
3. Using workbook, have participants write out members of their core founding group and corresponding areas of expertise-their assets
4. Participants will identify areas where they lack expertise
5. Participants will identify potential resources, or networks in their community, where they could access the necessary expertise

# Curriculum Outline for:
## Session B: Core Founding Group and Accessing Experts

I. **Reasons for Having a Core Founding Group**
   A. Starting a charter school is like starting a business—founders are granted a large amount of autonomy
      1. Founders should be willing to learn or access expertise in getting the school up and running—specifically:
         a. Writing the charter, getting the charter granted
         b. Legal issues
         c. Finding a constituency, dealing with the media, community relations
         d. Finding human and financial resources
      2. Founders should have expertise in running day-to-day operations
         a. Need to do all, or nearly all, of the work typically done by the central office
         b. Need to develop policies, procedures, curriculum

   B. Charter school founders and leaders should be willing to learn or access expertise in five core content areas:
      1. Start-up logistics such as acquiring funds, passing the charter, acquiring a facility
      2. Developing curriculum standards and assessment
      3. Governance and management issues
      4. Public relations
      5. Knowledge of regulatory policy issues

II. **Characteristics of Successful Core Founding Groups**
   A. Shared vision—all members of the founding group share the same vision

   B. Passion—members share a passion for creating and developing their school

   C. Motivation—members are able to overcome obstacles, want to help children, and are not solely motivated by money

   D. Members of the founding group should have expertise in the following areas:
      1. Administrative skills
      2. Business
      3. Education (teaching and curriculum development)
      4. Financial skills
      5. Law
      6. Public relations

   E. Additional member characteristics:
   Entrepreneurs, workers, lawyers, accountants, political and community links, educational experience, business, personnel, management experience, marketing experience, a couple dreamers, understanding of the big picture, organizational skills

III. **How to Access Experts**

- A. Hire professional service
  - 1. Hire legal counsel
  - 2. Hire an accountant
  - 3. Hire someone to review and document loans

- B. Other ways to access experts
  - 1. Network with the community
    - a. Talk to presidents of companies
    - b. Talk to media leaders (radio, newspaper, and TV)
  - 2. Get pro-bono help
  - 3. Access technical support organizations in the state
  - 4. Use the services (accounting, personnel) of the district
  - 5. Access state and local charter school associations
  - 6. Use state agencies

IV. **How to Develop and Sustain the Core Founding Group**

- A. Constantly revisit the vision

- B. Be aware of changing/shifting duties
  - 1. Planning phase, implementation phase, and the transition to day-to-day operations
  - 2. Ability to give up control, bring in new members
  - 3. Awareness of different types of governance models

- C. Develop a 3-5 year strategic plan

- D. Be aware of burnout potential

- E. Focus on governance models
  - 1. Agree on how decisions will be made at each stage of the process
  - 2. Agree on who retains control over key decisions
  - 3. Establish what the founders relationship to day-to-day operations will be
  - 4. Establish who has control of curriculum
  - 5. Accountability to general public and granting agency

## Asset Mapping – How to find and access expertise

### Characteristics of Successful Core Founding Groups

- *Shared vision*–all members of the founding group share the same vision
- *Passion*–members share a passion for creating and developing their school
- *Motivation*–members are able to overcome obstacles, want to help children, and are not solely motivated by money

**Member of the founding group should have expertise in the following areas:**

1. Administrative skills
2. Organizational skills
3. Business
    - financial planning, budgeting, planning
    - personnel and management experience
4. Education (teaching, curriculum development, and assessment and evaluation)
5. Financial skills–accounting
6. Law
7. Public relations
8. Marketing
9. Additional member characteristics and areas of expertise:
    - Entrepreneurs
    - Workers
    - Members who have political and community links
    - A couple dreamers
    - Understanding of the big picture

List your core founding members and their corresponding assets.

| Members | Assets |
|---|---|
| ____________________ | ____________________ |
| ____________________ | ____________________ |
| ____________________ | ____________________ |
| ____________________ | ____________________ |
| ____________________ | ____________________ |
| ____________________ | ____________________ |

Use your knowledge of characteristics of successful core founding groups and the assets of your own team to develop an asset map of available assets and resources. Use the following table to compare your group's assets to the requirements of your school.

| *List the areas of expertise that you think your team needs to develop a successful school.* | *List your team members with their corresponding assets.* |
|---|---|
| ______________________________ | ______________________________ |
| ______________________________ | ______________________________ |
| ______________________________ | ______________________________ |
| ______________________________ | ______________________________ |
| ______________________________ | ______________________________ |
| ______________________________ | ______________________________ |
| ______________________________ | ______________________________ |
| ______________________________ | ______________________________ |
| ______________________________ | ______________________________ |

Now list the areas of expertise that your school, and core founding group, may need to find.

| | |
|---|---|
| ______________________________ | ______________________________ |
| ______________________________ | ______________________________ |
| ______________________________ | ______________________________ |
| ______________________________ | ______________________________ |
| ______________________________ | ______________________________ |

To complete the asset map, brainstorm with your group to identify resources in your community–institutions, people, organizations, foundations–that members of your group may have relationships with. *Map* out the assets and resources of your core founding group including all aspects of your community. Who do you know? And how might different people in your community provide much needed resources and expertise?

List out all the groups, institutions, organizations, or relevant individuals in your community, and the relationship members of your core founding group has with them. Then list out the resources these groups or institutions might provide to your school.

| Community Groups, Institutions, and Individuals | Potential Assets and Resources | Relationship |
|---|---|---|
| | | |
| | | |
| | | |
| | | |
| | | |
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| | | |
| | | |

# CHARACTERISTICS OF A GOOD TEAM MEMBER

**In building an effective team, one of the most important steps is to determine and exhibit appropriate team behavior. The following is a list of possible behaviors for a "good" team member. Your task is to select what you consider the five most important. The list provided is not intended to be exhaustive, and you should feel free to add to your list of five characteristics any behavior which is not outlined below.**

1. Works for consensus on decisions, objectives and plans ________
2. Shares openly and authentically with others regarding opinions, thoughts, feelings, and perceptions about problems and conditions. ________
3. Involves others in the decision-making process. ________
4. Trusts, supports, and has genuine concern for other team members. ________
5. "Owns" problems rather than blaming others. ________
6. When listening, attempts to hear and interpret communication from sender's point of view. ________
7. Tries to influence others by involving them in the issue(s). ________
8. Encourages the development of other team members. ________
9. Respects and is tolerant of individual differences. ________
10. Acknowledges and works through conflict openly. ________
11. Considers and utilizes the new ideas and suggestions of others. ________
12. Encourages comments on own behavior. ________
13. Understands and is committed to team objectives. ________
14. Does not engage in win-lose activities with other team members. ________
15. Has skills in understanding what is going on in the group. ________

# Team Evaluation Sheet
(Page 1 of 3)

## Roles and Responsibilities

| | | |
|---|---|---|
| No one cares or knows what the other members do. | 1 2 3 4 5 | Everyone understands his/her contribution to the team as well as the contributions of others and is willing to assist. |

## Coordination, Cooperation and Trust

| | | |
|---|---|---|
| Members act as individuals with little or no coordination or cooperation. | 1 2 3 4 5 | Members act as an integrated team and always coordinate and cooperate with one another. |
| There is little trust among the members, and conflict is unresolved. | 1 2 3 4 5 | There is a high degree of trust among members and conflict is dealt with openly and resolved. |

## Teamwork with District and Parents / Community

| | | |
|---|---|---|
| Adversarial relationship with district. No trust. | 1 2 3 4 5 | Good teamwork with district. Trust has been established. |
| Adversarial relationship with parents/community. | 1 2 3 4 5 | Good teamwork with parents/community. |

## Interpersonal Communications

| | | |
|---|---|---|
| Communications between members are closed and closely guarded. | 1 2 3 4 5 | Communications between members are open and participative. |
| Communications between team members and colleagues are infrequent and cautious. | 1 2 3 4 5 | Team members openly share information with their colleagues. |

## Goals and Objectives, Collective Responsibilities

| | | |
|---|---|---|
| There is a lack of commonly understood responsibilities, goals and objectives for the team. | 1 2 3 4 5 | Team members understand and agree on their collective responsibilities, goals & objectives. |

# Team Evaluation Sheet
(Page 2 of 3)

## Planning

| | | |
|---|---|---|
| Lack of planning. Team constantly in a reactive mode. | 1 2 3 4 5 | Carefully developed and well coordinated plans in place to which the team is working. |
| The team has no common understanding of the risks, nor do they have a plan to abate them. | 1 2 3 4 5 | The team has a mutually agreed upon risk management plan and has implemented it. |

## Processes, Procedures, and Organizational Interfaces

| | | |
|---|---|---|
| Team does not commonly understand processes and procedures, does not consider ways to improve them, and/or is rigid in its approach. | 1 2 3 4 5 | Processes and procedures are in place that are supporting the goals and objectives of the team and the program. |
| Team does not understand internal organizational interfaces and effort is not coordinated nor effective. | 1 2 3 4 5 | Internal organizational interfaces have been established and effort is coordinated and effective. |
| Members participate only in their departmental areas. | 1 2 3 4 5 | Team members participate in all aspects of the team process and building decision-making process. |

## Resources

| | | |
|---|---|---|
| Membership is inadequate. | 1 2 3 4 5 | Adequate personnel are assigned. |
| All member capabilities are not utilized. | 1 2 3 4 5 | Member capabilities are fully utilized. |
| Member technical and interpersonal skills are inadequate. | 1 2 3 4 5 | Member technical and interpersonal skills are adequate. |

## Meetings and Reviews

| | | |
|---|---|---|
| Meetings are non-productive and ineffective. Lack of preparation, direction and follow-up. | 1 2 3 4 5 | Meetings are productive and effective. Focus is on meeting objectives, agenda and problem resolution. |
| Limited group participation and one person (or a few people) dominate. | 1 2 3 4 5 | Full participation with all members taking an active role. |

# Team Evaluation Sheet
(Page 3 of 3)

## Monitoring and Reporting

| | | |
|---|---|---|
| Uncertain about status, and surprises are frequent. | 1 2 3 4 5 | Members know and understand current status and are able to report accurately. There are never any surprises. |

## Anticipating Problems

| | | |
|---|---|---|
| Team not forward looking and never provides support to avert problems. | 1 2 3 4 5 | The team identifies issues before they develop into serious problems, planning and scheduling activities to avoid them, and tracking issues to closure. |

## Problem Solving/Decision Making

| | | |
|---|---|---|
| The team does not analyze or involve itself in problem solving and takes a passive role. | 1 2 3 4 5 | The team takes an active role in analyzing problems and pursues a course of action that best meets program objectives through teamwork. |
| Team has no approach for problem solving and decision making. | 1 2 3 4 5 | Team has well established approaches to problem solving and decision making through concensus. |

## Empowerment

| | | |
|---|---|---|
| Team does not have adequate authority. | 1 2 3 4 5 | Team has needed authority. |
| Management never supports team commitments and decisions. | 1 2 3 4 5 | Management always supports team commitments and decisions. |

## Suggestions for Improvements/Specific Needs Not Previously Identified.

# Session C: Writing a Great Application

**Key Issues:**

1. Key components of a great application
2. Characteristics of successful applicants
3. State specific application requirements

**Goal:** Participants will be able to develop and write a quality application (charter) that meets all of their state requirements

**Instructional Resources:**

Charter School Application Issues

Key components of a great application

Pioneer Institute for Public Policy Research . (1997). Appendix A: Application for a public charter school. In The Massachusetts charter school handbook. Third Edition. (pp. 12-13).

Douglas County School District . (1994). Charter School Guidelines and Application. Learning Services Division, Douglas County, Colorado.

**Additional Resources:**

General start-up information by state. See: State-specific resource workbook.

**Session Structure:**

1. Review the state requirements
2. Outline characteristics of successful applicants (governance, experts, knowledge specific, acknowledgement of public accountability). Suggested structure: Create a seminar atmosphere-elicit full discussion of the issues including "What do participants think is important?" Try to get the participants to express themselves as to what should be included in a good application
3. Outline key components of a good application
4. Worksheet exercise to help structure the application
   a. Look at different applications and see if their application matches the characteristics
   b. What should be in a good application?

# Curriculum Outline for:
# Session C: Writing a Great Application

I. **State Specific Requirements**
   A. Be aware of state specific requirements
   B. Be aware of charter school resource centers, web sites, and other resources

II. **Characteristics of Successful Applicants**
   A. Usually a core team of founders
   B. Share the same vision (have a similar understanding of the school that they want to create)
   C. Are willing to follow through
   D. Have experience in a variety of areas
   E. Think of the children first
   F. Desire to create a school that both helps students and is accountable to the public trust
   G. Understand accountability and the need to make accountability a reality

III. **Key Components of a Great Application**
   A. Clear mission statement

   B. Description of the education program to be used
      1. Outline of educational theory—the foundation of theory
      2. Outline of teaching approach
      3. Identify sources of curriculum

   C. Description of standards and goals for the students and programmatic standards and goals for the staff and school
      1. What are the specific goals for the students; are they aligned with vision?
      2. How will students be assessed? Is the assessment system clear and valid and does it correspond to applicable state standards and requirements?

   D. Budget proposal
   E. Governance and/or organizational model
   F. Personnel policies including hiring and firing
   G. Student admission and discipline policies
   H. Facilities information
   I. Statement of why the school is needed
   J. Insurance (if applicable)
   K. Compliance with state and federal regulations
   L. Accountability (curriculum, standards, assessment, evaluation)
   M. Reference to a pre-determined monitoring and renewal process

# Charter School Application Issues

A charter school application should include the following items:

1. A description of the academic program, the student achievement goals, and the assessment tools to be used to measure students academic achievement
2. The number and grade or age of the students to be served
3. A description of the admission and discipline policies and procedures
4. A description of the governance structure including any provisions for parent involvement
5. A description of the type, qualification, and numbers of teachers to be employed including all employee benefits and rights
6. A description of the budget
7. A description of the program and financial audit requirements and procedures
8. A description of the term of the charter and specification of conditions and procedures for renewal or revocation of the charter
9. A description of the facilities to be used
10. A discussion of all fiscal and legal autonomy issues and waivers and a description of the relationship to the sponsoring agency
11. A description of procedures to comply with all state and federal civil rights, health, and safety laws as well as any other applicable laws

Adapted from: *The Charter School Workbook*, Center for Education Reform, 1997

## Key Components of a Great Application

Requirements for charter school applications vary by state. It is recommended that you refer to your state application guidelines when completing your application. The following is a list of recommended components for all charter school applications. Some of these components may apply to your situation more than others.

This worksheet is designed to help pre-operational schools develop an application and charter and help operational schools refine and revise their charter.

| Key components of an application and charter | Included in current charter/application? |
|---|---|
| Clear mission statement | |
| Description of the education program to be used | |
| - outline of educational theory—the foundation of theory | |
| - outline of teaching approach | |
| - identify sources of curriculum | |
| Description of standards and goals for the students and programmatic standards and goals for the staff and school | |
| - What are the specific goals for the students; are they aligned with vision? | |
| - How will students be assessed? | |
| - Is the assessment system clear and valid and does it corresponds to applicable state standards and requirements? | |
| Budget proposal | |
| Governance and/or organizational model | |
| Personnel policies including hiring and firing | |
| Student admission and discipline policies | |
| Facilities information | |
| Statement of why the school is needed | |
| Insurance (if applicable) | |
| Compliance with state and federal regulations | |
| Accountability (curriculum, standards, assessment, evaluation) | |
| Reference to a pre-determined monitoring and renewal process | |

## The Final Application

*What should be included?*

**The Basics**

**Cover Page** (Name and Location of Proposed School)

**Information Sheet**
See attached form on page 21.

**Certification Statement**
See attached form on pages 23 and 24.

**I. Abstract**
(one page)

Please summarize the proposed school's:

- Mission
- Educational philosophy
- Most important goals and expected outcomes

**II. Narrative**
(limited to 17 pages)

**1. Mission Statement**
What is the purpose of this school?

**2. Statement of need**

A. Why is this kind of school needed in this community?

B. Why is a charter necessary in order for the program to exist or succeed?

C. What evidence exists that there is a sufficient demand for the educational program you are proposing?

**3. Educational program**

A. What will be the school's educational approach?

B. What will be the major sources for the school's curriculum?

C. What educational theory, school design, or teaching methodology will be the foundation of the educational program?

D. How will student performance be assessed?

E. How will students with special needs and those who cannot speak English proficiently be served in accordance with state and federal law?

F. How will the school's schedule and calendar (use of time, length of school day and year) be structured?

**Narrative**
*Continued*

**4. Accountability**

A. How will the school define, measure, and demonstrate success?

B. Please list up to 5 clear and measurable student or school performance objectives and include how the school's progress will be measured relative to each of these objectives.

C. How will the school ensure that it meets its goals?

**5. School environment**

A. Please describe the ethos you expect to create in your school.

B. Please summarize the school's discipline policy or code of conduct.

**6. Enrollment**

A. How many students will be enrolled each year over the five years of the charter?

B. How will student applicants be recruited?

C. Describe your enrollment process, including a plan for a lottery.

**7. Leadership & Governance**

A. How will this school be governed?

B. Who will be the school's leader, or how will the Board select a leader?

C. Summarize the job descriptions of the Board, school director, and other key personnel.

**8. Capacity**

A. What collective experience does your applicant group bring to this venture?

B. Please summarize each founder's, and/or board member's, experience, qualifications and applicable skills.

C. Please provide a list of potential partnerships and accompanying letters of support.

**9. Facilities and Student Transportation**

A. Describe the viable options for a facility for this school.

B. Why were these sites chosen?

DOUGLAS COUNTY SCHOOL DISTRICT Re. 1

LEARNING SERVICES DIVISION

# CHARTER SCHOOL

## GUIDELINES AND APPLICATION

Revised: September 1, 1994

# DOUGLAS COUNTY SCHOOL DISTRICT Re. 1

## Learning Services Division

## CHARTER SCHOOL GUIDELINES AND APPLICATION PROCEDURES

On June 3, 1993 Governor Romer signed into law The Charter Schools Act. In passing this legislation, the General Assembly of the State of Colorado was attempting to provide an avenue for parents, teachers, and community members to take responsible risks and create new, innovative, and more flexible ways of educating children.

The Charter School concept involves a written agreement setting forth the design and operating principles of the Charter School, and describes the relationship between the Charter School and the legally constituted authority of the school district, the Board of Education. A Charter School is defined as a public, nonsectarian, non-religious, non-home-based school which operates within a public school district.

The following guidelines will be used to assist in the establishment of Charter Schools in The Douglas County School District.

### GENERAL GUIDELINES

- A Charter School is a public school which is part of the Douglas County School District and is accountable to the Board of Education. Up to 2.5% of the total enrollment of the Douglas County School District may be enrolled in Charter Schools at any one time. As the total enrollment approaches the 2.5% cap, the Board of Education will review the limitation if more charter applications are received.

- The Charter School must comply with all of the provisions as set forth in its application for a Charter and will be exempt from specified rules and regulations of the District as agreed upon by the Board of Education.

- All state and federal laws, rules and regulations must be met by the Charter School unless waived by the appropriate state or federal agency. The proposed Charter School will also be subject to all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, sex, national origin, religion, ancestry, or need for special education services. The Charter School must be open to any child who resides within the School District, subject to the total enrollment limitations.

- The Charter School shall be administered and governed by a governing body in a manner agreed to by the applicant(s) and the Board of Education.

- The Charter School may not charge tuition to students who reside in the District. Tuition charges for non-resident students to attend the Charter School shall be the same as the non-resident tuition charges of the School District.

- Funding for the Charter School will be based on a proportional share of the "per pupil operating revenues", as defined by law, allocated under the state funding formula for the Douglas County Schools. In no event shall this funding be less than eighty percent of the District per pupil operating revenues, multiplied by the number of students enrolled in the Charter School. Funding for students with disabilities will also be directed to the Charter School on a proportionate basis. All other services provided by the District to the Charter School will be provided on a cost basis. Operating revenues will be transferred on a quarterly basis. If a student withdraws from a Charter School and re-enrolls in another Douglas County School District school, the pro rata share of funds will follow the student.

  All fees collected from students enrolled in a Charter School will be retained by the school.

- The Charter School must be nonsectarian in its programs, admissions policies, employment practices and all other operations and shall not be affiliated with a nonpublic sectarian school or a religious institution.

- The Charter School application, enrollment and selection process shall be subject to Board of Education approval and shall include, among other things, procedures consistent with law, that are likely to achieve generally the same student ratio standards as other schools in the District for ethnic, sex and special needs students.

- Subject to the total percentage District enrollment limitations, an existing Douglas County School may be converted to a Charter School if at least 85% of the parents who have children attending or who will be attending the school approve.

- The Charter School will be subject to the same student performance standards of the other schools in the District. If student performance at a Charter School falls below these standards, as determined by the Board of Education, the Charter School must take corrective action to meet or exceed the standards prior to the renewal of the Charter contract.

- The Charter School will be responsible for its own operation including budget preparation, annual audit of financial and administrative operations, contracting for services, personnel, as well as all other operating needs of the school. The Charter school may contract services from a school district, the governing body of a state college or university, or any third party for the use, operation and maintenance of a school building and grounds, or any other services needed by the Charter School.

- The Charter School will not be charged rent by the Douglas County School District for the use of space that is deemed available by the Board of Education or designee. All other services negotiated between the District and the Charter School will be calculated on a cost only basis.

- A current employee of the Douglas County School District who is selected for employment in the Charter School may be granted up to three, one-year leaves of absence from the District, consistent with law. The status of any teacher in the District who is employed by the Charter School shall not be affected by such employment. Employees will maintain their membership in PERA. Upon returning to the School District, employees in good standing will be guaranteed a position, although not necessarily the position they left.

- A new employee hired initially by the Charter school will not have employment rights to a position in the Douglas County Schools upon leaving the Charter School.

- All employees of the Charter school shall be members of the Public Employees' Retirement Association and subject to its requirements.

- The Charter School will be responsible for developing its own set of policies as defined in the application. These policies must be approved by the Governing Board of the Charter School and the Board of Education.

- Accountability shall be an integral part of the Charter School Program. The expectations for accountability shall be, at a minimum, the same as all other Douglas County Schools.

- Any resident of the School District may apply for admission to the Charter School. Students living outside the School District may apply and may be admitted on a space available basis. Tuition will be charged to those students not residing within the boundaries of the Douglas County School District.

## CONTRACT PROVISIONS

- The contract between the Charter School and the Board of Education shall reflect all agreements, including the release of the Charter School from Board of Education policies and state regulations. The Board of Education and the Charter School will jointly request releases from regulations of the State Board of Education if necessary.

- Any revision of the terms of the contract may be made only with the approval of the Board of Education and the Governing Body of the Charter School. The Governing Body of the school must be in place before the terms of the contract can be negotiated.

## APPLICATION PROCEDURE

- An application (see application pages A, B, & C) for a Charter School may be submitted by an individual, a group or an organization.

- The application for a Charter School must be reviewed by the District Accountability Committee prior to consideration by the Board of Education. The District Accountability Committee will review the application to be sure all accountability standards are met.

- Within the sixty-day period, the Board of Education will hold a public hearing in the attendance area of the school to obtain information from the parents and community to assist in its decision.

- The Douglas County Board of Education will consider all applications and will either approve or deny the application within the sixty-day period. A Charter School approved by the Board of Education will be valid for a period of three years subject to revocation in accordance with law. The Charter may be renewed for an additional two years if the Board, in its judgment, believes the school is achieving its goals, is operating in a sound fiscal manner, and has otherwise met the standards required by law.

- Upon approval of a Charter School application, the Board of Education will report its action to the State Board of Education. In its report, the Douglas County Board of Education will specify whether the Charter School is designed to increase the educational opportunities of at-risk students.

- Once approved, the Charter School will be subject to a semiannual review of its educational program, operations, and finances by the Board of Education or its representative. On an annual basis, the Charter School will make a written report to the Board of Education and the public. This report will be similar to the current requirements of schools in the district.

- If an application for a Charter School is denied by the Board of Education and the State Board of Education, a new application may be submitted by the same person, group of people or organization after a waiting period of 180 days.

- The decision of the Douglas County School District Board of Education to grant an application for a Charter School may be appealed to the State Board of Education in accordance with law.

## APPLICATION RENEWAL

- 180 days prior to the expiration of the Charter School agreement, a renewal application may be submitted to the Board of Education. The renewal application should include a report on the progress of the achievement of goals, objectives, pupil performance standards, content standards, and other terms as outlined by the original application.

- A financial statement will be presented to the Board of Education that discloses the costs of administration, instruction, and other spending categories for the Charter School that is understandable to the general public and that will allow comparison of such costs to other schools or other comparable organizations in format required by the State Board of Education.

- A charter may be revoked or not renewed by the Board of Education if the Board determines that the Charter School did any of the following:

  Violated any conditions, standards, or procedures set forth in the charter application or contract;

  Failed to meet or make reasonable progress toward achievement of the content standards or pupil performance standards identified in the charter application;

  Failed to meet generally accepted standards of fiscal management;

  Violated any provision of law from which the Charter School was not specifically exempted; or

  If the Board of Education determines that it is not in the best interest of the pupils residing within the School District to continue the operation of the Charter School.

## APPEAL PROCESS

- A charter applicant or any other person who wishes to appeal a decision of the Board of Education must provide the State Board and the Douglas County Board of Education with a written notice of appeal within 30 days of the decision.
- Within 30 days after receipt of the appeal notice, the State Board will conduct a public hearing to review the decision of the Douglas County Board of Education. If the State Board finds that the Douglas County Board's decision was contrary to the best interests of the students, school district, or community, the State Board will remand the decision back to the Board of Education for reconsideration.
- Within 30 days, the Board of Education must hold another public hearing to reconsider its decision and to make a final decision.
- If the Board of Education's final decision is still to deny, refuse to renew, or revoke a charter, a second notice of appeal may be filed with the State Board within 30 days following the final decision.

For additional information contact:

Patrick Grippe, Assistant Superintendent
Douglas County School District Re.1
620 Wilcox Street
Castle Rock, Colorado 80104
Phone: (303) 688-3195

Adopted by BOE 3/1/94

# DOUGLAS COUNTRY SCHOOL DISTRICT Re. 1

## Learning Services

### Charter School Application

(Pages A, B and C)

The Charter School application must meet all requirements as outlined in the "Charter School Guidelines and Applications Procedures". Applications may be submitted by an individual, group or organization; however, applications must be received by the Douglas County Board of Education no later than six months prior to the proposed opening of the school.

The following information must be provided in complete detail.

1. Provide the name of the applicant(s) and the name, address and phone number of a contact person.

2. Provide a copy of the mission statement of the Charter School including the process used to develop the statement. Note: The mission statement of the proposed Charter School must be consistent with the existing mission statement and core values of the Douglas County School District and the declared purposes set forth in the Colorado Charter Schools Act.

3. Describe the need for the Charter School. How was that need established?

4. State the proposed three-year goals for the school including timelines. The applicant should also describe the process used to identify the goals.

5. Describe the student performance outcomes to be achieved by the proposed school.

6. Describe how the implementation of this program differs from any current programs or existing charter school(s).

7. State the purpose for this Chartered School including a geographic description of the area of intended service.

8. Provide evidence that an adequate number of parents, teachers, and pupils support the formation of the proposed Charter School. The application should include letters from eligible parents addressing their commitment to enroll their student.

9. Provide a copy of the curricula to be used in the school. The curricula should list the objectives, methods of instruction and the means of measuring student outcomes for each subject and each grade level.

Charter School Application cont.
(Page 2 of A, B and C)

10. Describe the governing body. This should include a detailed description of the relationship between the proposed school and the Douglas County School District.

11. Provide information on how the Charter School will be accountable to the public. Specifically include how the following areas will be addressed: 1) provisions for a representative school accountability committee; 2) development of an annual school improvement plan with supporting profile information; 3) representation on the District Accountability Committee; 4) reporting procedures to the Board of Education and school community.

12. Describe the types and extent of parental and community involvement in the operation of the proposed school.

13. Define the enrollment policy including a description of the proposed school's plan to include academically low-achieving students, to promote diversity and plans for educational programs for exceptional students as well as students with special needs.

14. Describe any objectives and means for increasing the educational opportunities of "at-risk" students, meaning those students who because of physical, emotional, socioeconomic or cultural factors, are less likely to succeed in school.

15. Present a description of the Charter School's plan for evaluating pupil performance including the types of assessments that will be used to measure pupil progress towards achievement of the school's pupil performance standards, the timelines for achievements of such standards, and the procedures for taking corrective action in the event that pupil performance at the Charter School falls below such standards.

16. Provide a description of the school's discipline procedures.

17. Describe the employment practices of the school including a description of the qualifications for certificated and classified employees, the employee compensation schedule, recruitment procedures, and the plan for resolving employment related problems.

18. Provide necessary evidence that the plan for the Charter School is economically sound for both the Charter School and the School District. Include a proposed budget for the term of the charter and a description of the manner in which an annual audit of the financial and administrative operations of the Charter School, including any services provided by the School District, is to be conducted. A student fee schedule should be included in addition to a proposed schedule of cash flow. If applicable, include a plan for the

displacement of students, teachers, and other employees who will not attend or be employed in the Charter School.

19. Describe the facilities to be used and the way they will obtained, funded and maintained. Include any contracted services and the proposed contractor.

20. Describe the proposed student transportation system including the contract if services will be provided by a second party. If transportation is to be provided by the Charter School, include a plan for addressing the transportation needs of low-income and academically low-achieving students.

21. Provide a detailed summary of all insurance coverage.

22. Describe the process to be used to discontinue the operation of the school.

23. Provide a listing of parents and community members who support the concept along with a listing of possible employees.

24. A final list of enrolled students must be provided to the District no later than April 1.

25. Detail your plan for academic and fiscal accountability.

26. List the waivers to state rules and regulations that you are requesting. Include your reasons for each waiver.

27. List the waivers to school district policies that you are requesting. Include your reasons for each waiver.

28. Provide any additional information that you feel might be helpful in supporting your desire to establish a Charter School.

29. The applicant should provide 30 copies of the completed application.

30. Applications will be accepted up to the second Monday in January. Applications received by the deadline will be considered for the following school year. Once the application deadline has passed the Board of Education will act on all applications within 60 days.

31. All applications will be subject to the District's General Provisions for Charter School.

Applications should be submitted to:
Douglas County Board of Education
620 Wilcox Street
Castle Rock, Colorado 80104

Adopted by BOE 3/1/94

# Session D: Evaluation of Progress

**Key Issues:**

1. Evaluation of progress (How to do it)
2. Self-evaluation
3. Revisiting the vision
4. Renewal process
5. Sustainability

**Goals:**

1. Participants will be able to develop appropriate evaluations and contribute to school renewal and sustainability
2. Participants will be able to develop ways to evaluate their program in light of school vision and student performance

**Instructional Resources:**

California Network of Educational Charters. (1998). Charter school renewal principles. Draft version. San Carlos, CA.

Minney, P. C. and Bixby, M. (1998). Charter school renewal process: A procedural guide. San Diego, CA

Kern, D., Woods, K., and Mayes, W. (1996). Contract for excellence progress report. Academy Charter School, Castle Rock, CO.

Fenton Avenue Charter School. Operational/instructional improvements, Operational/instructional improvements linked to fiscal autonomy, Plans for the future: January 1, 1994 to Present.

**Additional Resources:**

Colorado Department of Education. (1997). Part VIII: Lessons learned. 1997 Colorado charter schools evaluation study: The characteristics, status and student achievement data of Colorado charter schools. pp. 108-115. Prepared by the Clayton Foundation.

Jefferson Academy Charter School. (1996). Jefferson Academy renewal application. Jefferson County, Colorado.

Jefferson Academy Charter School. (1996). Jefferson Academy contract for excellence progress report. Jefferson County, Colorado.

Junge, E. R., Kolderie, T. and Nathan, J. Charter public school essentials. Center for School Change.

Lucente, J. & Sumida, I. (1997). School synopsis. Fenton Avenue Charter School. Lake View Terrace, California.

Renwick, L. (1997, May 2). Fenton named distinguished school. Los Angeles Times, p. B4.

San Carlos Charter Learning Center. (1997). Renewal charter petition. San Carlos, California.

San Carlos Charter Learning Center. (1997). Strategic plan 1995-2000. San Carlos, California.

**Session Structure:**

1. General overview:
    a. Importance of program evaluation
    b. Developing a program evaluation
    c. Revisiting the vision, sustaining the vision, the renewal process-self evaluation
    d. General sustainability
2. Ask participants to brainstorm and identify indicators of program performance.
3. Ask participants to determine how indicators are to be measured.

# Curriculum Outline for:
## Session D: Evaluation of Progress

I. **Importance of a Program Evaluation**
   A. A program evaluation is a way to reexamine the fundamentals of your school
      1. An evaluation can strengthen the internal viability of the school
      2. An evaluation reviews the governance structure, administrative structure, curriculum implementation, relationship to the community, and all other school functions

   B. A program evaluation is integral to the renewal process

   C. A program evaluation contributes to school performance as well as renewal potential

II. **Developing a Program Evaluation**
   A. Early on, develop a five-year strategic plan

   B. Incorporate the vision into all aspects of plan

   C. Develop measures, goals, or standards on which to judge the progress and success of your school
      1. Identify goals that were set up in the original charter
      2. Types of goals or standards
         a. Stability of the governing body
         b. Strength of ties between curriculum and the vision
         c. Enrollment, achievement levels, curriculum goals , etc.
         d. Other program goal that have been identified

   D. At the very least, measure standards on a yearly basis

   E. Develop an annual report that will form the basis for the program evaluation and the renewal process

III. **The Renewal Process (Charter school renewal principles—CANEC)**
   A. Revisit the vision by asking:
      1. Is the mission clearly defined?
      2. Is the mission clearly understood throughout the school?
      3. Does everyone at the school believe in the mission?

   B. Self-evaluation—How have we done?
      1. Review charter for original goals
      2. Were measurement and assessment done for things identified in the charter?
      3. Is progress and evaluation documented in yearly reports?

C. Does the charter still fit your school and vision?
   1. Has your school changed dramatically from the original vision?
   2. What types of changes, if any, need to be made to your charter?

D. Is the current charter adequate?
   1. The renewal process is a good time to restructure your charter to address issues that may not have seemed important in the beginning
   2. Basics of a good charter
      a. A clear mission
      b. Measurable student performance goals and standards
      c. A quality assessment system to measure student and program progress
      d. Legal, fiscal, and other contractual requirements
      e. A pre-determined monitoring and renewal process

E. Evaluate all components of the school and make changes to keep the school true to its mission

Adopted as a working draft for CANEC's publication

# CHARTER SCHOOL
# RENEWAL PRINCIPLES
(2.6.98 DRAFT)

## 1. MISSION & VISION CHECK

The renewal process provides an opportunity to revisit and refine the school's vision. Charter schools should:

- Review their mission and vision statements and ask:
    1. Is our mission and vision clearly defined?
    2. Is the mission and vision clearly understood throughout the school?
    3. Does everyone at the school believe in our mission and vision?

If the answer to the above three questions is not a firm "yes," it's time to revisit and review whether the school knows where it's going and whether everyone really wants to go there.

## 2. HOW HAVE WE DONE?

Many charter developers are surprised when they review the terms of their charter document as they are reminded of the many goals and commitments they made so long ago.

- Renewal requires that charter schools take stock of what they have accomplished and ask:
    1. What did we promise in our charter?
    2. How did we measure and assess our progress?
    3. Do we have credible data documenting our progress?

If the answer to all of these is "yes," it's time to celebrate your accomplishments and make plans to build on your success. If not, it's time to reassess and make credible plans to address weaknesses.

## 3. DOES "CHARTER" STILL FIT ?

California's Charter Act is designed for educators who share a strong and common commitment to deliver student performance in exchange for the opportunity to develop a school with few regulatory strings attached. If steps 1 and 2 lead to any substantive doubts about the school's commitment to students, or if there is any doubt about the school's willingness to be held accountable for results, continuing as a charter school probably doesn't make sense. Charter schools with firm resolve should reaffirm their commitment and make preparations to move to the next level.

## 4. DO WE HAVE A QUALITY CHARTER CONTRACT?

Too many California charters are documents filled with hopes and dreams, but lacking in the contractual rigor demanded in California's rough-and-tumble school district dominated charter process. Renewal is an important opportunity to upgrade charters to capture both hopes and dreams AND contractual rigor.

- Charter developers should redraft their charter document into a binding, performance-based contract (or develop an equivalent memorandum of understanding) with all of the following elements:

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1. A clear mission and vision statement
2. Measurable student performance goals and standards, aligned with newly-developed state content and performance standards.
3. A valid and reliable assessment system to measure student progress using a balanced mix of assessment tools, including the newly-required STAR test
4. All needed legal, fiscal, and other contractual provisions
5. A pre-determined monitoring and renewal process (see below)

### 5. CLARIFY THE MONITORING AND RENEWAL PROCESS

California's charter laws do not clearly specify the charter oversight and renewal process. Many school districts are lax in their oversight of charter schools. Other districts are unwilling to engage in a good faith charter review and renewal process.

- To remedy this, charter schools undergoing renewal should add provisions to their charter that:
    1. Clearly specify how the charter school will report to its charter-granting agency regarding student and school performance on an annual basis, as required by law.
    2. Bind the charter-granting agency to review and formally respond to this annual performance report.
    3. Address dispute resolution matters, as now required by law, and which clearly specify how charter revocation proceedings would work in practice.
    4. Bind the charter-granting agency to a good faith charter renewal process pursuant to a pre-determined process and timeline.

### 6. HOLD EVERYONE ACCOUNTABLE

Renewal is a time to reexamine the fundamentals. While the above-listed steps are designed to ensure a fair accountability relationship between the school and its charter granting agency, the school should also examine (and if necessary establish) strong INTERNAL accountability structures and practices. Charter schools should:

1. Reexamine their governance structures (bylaws, board composition and effectiveness, etc.) and ask whether the governing board is really holding the school accountable to its mission and vision. If not, it may be time to redraft bylaws, reconstitute the board, etc.
2. Undertake similar examinations of administrative staff and administrative practices, staffing policies and procedures, parent and student accountability relationships, and fiscal management and budgeting practices.

If the school's governing, administrative, personnel, budget, and other critical arrangements are not strong, are not structured to hold to school true to its mission, or suffer from other problems, it is time to reexamine, revise, and reestablish them in a fashion that forces the school to remain true to its mission.

# CHARTER SCHOOL RENEWAL PROCESS

## A Procedural Guide

SUBMITTED BY:

The Charter School of San Diego (28)
Darnall (33)
Harriet Tubman (46)
O'Farrell (48)
School of Success (95)
Memorial Academy (96)
Nubia Academy (133)

DEVELOPED BY:

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THE CHARTER SCHOOL OF SAN DIEGO

WITH THE SUPPORT OF:

THE SAN DIEGO CHAMBER OF COMMERCE
EDUCATION ROUNDTABLE

March 2, 1998

# I. INTRODUCTION

The Charter Schools Act of 1992 provides little guidance to school districts and charter schools regarding the process for renewal of charter schools. This procedural guide has been developed to provide a framework and a process to follow for both school districts and charter schools in processing applications for renewal of charter petitions.

What little is said about charter renewal can be found in Education Code §47607 and §47608 which state in pertinent part:

> "A charter may be granted pursuant to sections 47605 and 47606 for a period not to exceed five years. A charter granted by a school district governing board or county board of education may be granted one or more subsequent renewals by that entity. Each renewal shall be for a period not to exceed five years. A material revision of the provisions of a charter petition may be made only with the approval of the authority that granted the charter."

Further, Education Code §47608 states in pertinent part:

> "All meetings of the governing board of the school district, the review panel convened pursuant to subdivision (j) of section 47605, and the county board of education at which the granting, revocation, appeal, or renewal of a charter petition is discussed shall comply with the Ralph M. Brown Act (Chapter 9 (commencing at sections 54590) of Division 2 of Title 5 of the Government Code)."

Absent a board policy or provision in the charter petition expressly addressing renewal, the above two sections of the Education Code are the only guidance the Charter Schools Act of 1992 provides to school districts and charter schools regarding the renewal process.

The attached chart,[1] with this written procedural guide, is designed to assist school districts and charter schools with all aspects of the charter school renewal process. A review of this procedural guide before engaging in the renewal process should help point out in advance areas where important issues may arise, thereby allowing the parties to be better prepared to address these issues when they do arise. School districts and charter schools should review each of the following sections to determine which provision are applicable to their school district or charter school. Any comments or questions regarding this document are welcome. Mary Bixby can be reached (619) 686-6666 (or at mbixby@mail.sandi.net) and Paul C. Minney can be reached at (510) 746-7660 (or at minney@gandv.com).

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[1] The subdivision letters of Part II correspond to the letters in the upper left hand corner of the attached chart for ease of reference.

## II. CHARTER SCHOOL RENEWAL PROCESS

☐ A. *DETERMINE IF THERE IS A "MATERIAL REVISION" OF THE CHARTER PETITION PROPOSED BY THE CHARTER SCHOOL*

Hindsight being 20/20, a vast number of charter schools will probably desire to make one or more material revisions to its charter petition before it submits it for renewal. Absent a provision in the charter petition outlining a charter petition revision process, charter school administrators are encouraged to involve all levels of the charter school's governance structure and affected stakeholders in the development of potential revisions to its charter petition. The development of a list of potential revisions to a charter petition will undoubtedly raise a number of political and legal issues that should be reviewed at the earliest possible stage so as to avoid any confrontation at the time of actual renewal before the board. In addition, strong support by all affected members of the charter school for any material revisions of the charter will be highly persuasive argument to the granting authority.

After a charter school has developed a list of potential revisions to the charter petition, it must analyze each revision to determine whether or not such revision is considered "material."

Education Code §47607 states in pertinent part:

> "A material revision of the provisions of a charter petition may be made only with the approval of the authority that granted that charter."

The term "material revision" is not defined by the Charter Schools Act. The courts will turn to ordinary dictionary definitions to define the term. Accordingly, if a charter school intends to make a "substantial"[2] or "noticeable"[3] "change or modification"[4] to the charter petition it will need the "approval of the authority that granted the charter."

If the charter school is proposing a material revision to its charter at the time of renewal it should proceed to Section B below.

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[2] Webster's (9th New Collegiate Dictionary) definition of "material."

[3] American Heritage Dictionary definition of "material,"

[4] American Heritage Dictionary definition of "revision."

### ☐ B. *IF CHARTER SCHOOL HAS PROPOSED A "MATERIAL REVISION" TO CHARTER PETITION*

If the charter school, after reviewing its proposed changes to the charter petition, determines that some or all of the changes would be considered a "material revision" it should next review its own charter petition and determine whether or not the charter has a specified process for internal adoption of modifications and amendments to the charter petition. For example, some charters include a provision that any modification or amendment to the charter petition must be approved and ratified by fifty (50%) or more of the teachers within the charter school before it can go to the board of education. If the petition reveals an internal process for adoption of modifications or amendments this process should be applied before moving to Section D below.

### ☐ C. *IF NO MATERIAL REVISION PROPOSED BY CHARTER SCHOOL*

If, upon subsequent review, there are no changes to the charter petition and/or the changes proposed would not be considered "material revisions," then proceed to Section E below.

### ☐ D. *PETITION AND APPROVE MATERIAL REVISIONS*

Once the charter school has completed its own internal process for developing and determining material revisions, it should attach the entire finalized charter petition along with a copy of the petition which outlines any additions, modifications and/or revisions. (For example, by "*italicizing and underlining*" new material and by "~~striking~~" any material that is to be deleted). A cover letter should be attached to the revised charter petition addressed to the board president and shall include the following information:

1. A statement that this letter shall be considered a petition for charter renewal under Education Code Section 47607;
2. The name of the charter school;
3. The current expiration date of the charter petition;
4. The requested renewal term (must be less than or equal to 5 years);
5. A succinct summary of the changes and/or revisions that the charter school is seeking approval of in accordance with Education Code §47607;
6. A request that a public hearing be held in accordance with Education Code §47608 within thirty (30) days from this written request for renewal; and

7. A statement that, if the governing board is going to condition renewal upon proposed material revisions of its own, that these proposed revisions be received by the charter school no later than ninety (90) days before expiration of the charter term.

8. Proof of support should be included with the request for renewal. If the charter school is governed by a board then the petition should include statement that the governing board has met to consider the petition and has reviewed the proposed changes and that they have voted to support the petition for renewal. The secretary to the board or the executive director should attest to the vote of the board. In the alternative, each member of the governing board could sign the petition.

Upon receipt the school board will have essentially three options. (See Section G).

## ☐ E. *NO MATERIAL REVISION PROPOSED BY CHARTER SCHOOL*

If the charter school has not developed or does not intend to develop any revisions to its charter petition, or the revisions for which it is proposing are not "material," then the charter school will essentially apply for a "rollover" renewal of its charter. (See Section F below).

## ☐ F. *ROLLOVER RENEWAL PROCESS*

The charter school desiring to rollover its charter petition for an additional renewal term must send a copy of its charter petition along with a cover letter addressed to the board president and shall include the following information:

1. A statement that this letter shall be considered a petition for charter renewal under Education Code Section 47607;

2. The name of the charter school;

3. The current expiration date of the charter petition;

4. The requested renewal term (must be less than or equal to five (5) years);

5. A note that there are no proposed revisions to the charter petition;

6. A request that a public hearing be held in accordance with Education Code §47608 within thirty (30) days from this written request for renewal; and

7. A statement that if the governing board is going to condition renewal upon proposed material revisions of its own, that these proposed

revisions be received by the charter school no later than ninety (90) days before expiration of the charter term.

8. Proof of support should be included with the request for renewal. If the charter school is governed by a board then the petition should include statement that the governing board has met to consider the petition and has reviewed the proposed changes and that they have voted to support the petition for renewal. The secretary to the board or the executive director should attest to the vote of the board. In the alternative, each member of the governing board could sign the petition.

Upon receipt the school board will have essentially three options. (See Section G).

## ☐ G. *SCHOOL BOARD OPTIONS*

Upon receipt, the school board will have three options[5]:

- Condition the renewal request upon material revisions of its own,
- Accept the renewal request; or
- Deny the renewal request.

1. *District Requires Material Revisions as Condition of Approval*

If the governing board conditions renewal of the charter petition upon the charter school's acceptance of material revisions proposed by the governing board, the charter school will be left with two choices:

a. The first is to review the proposed modifications in accordance with Section B (above). If the charter school concludes the proposed changes are acceptable, the charter school should resubmit the revised charter petition for approval to the school district governing board. After subsequent approval by the governing board, the school district should send a copy of its resolution approving the renewal and a copy of the petition to the State Board of Education.

b. If, however, the charter school has decided (in accordance with Section B) that the proposed changes are not acceptable, it has one of three options: (1) it may develop a counter proposal: the charter school should review and develop a counter proposal using the process outlined in Section B (above) and resubmit its renewal request in accordance with Section D (above); (2) the charter school can reject the changes and can re-petition, (i.e., relinquish the charter and re-petition to the governing board with a new charter petition) thereby preserving its right to a county office of education appeal; or (3) the charter school can relinquish its charter and cease to exist as a charter school.

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[5] The school district should make every reasonable effort to schedule the board meeting and final decision before the expiration of the original term of the charter. Although the Charter Schools Act may allow for a temporary renewal of the existing charter to finish consideration of the renewal request, this leaves the district and charter school in uncharted legal waters.

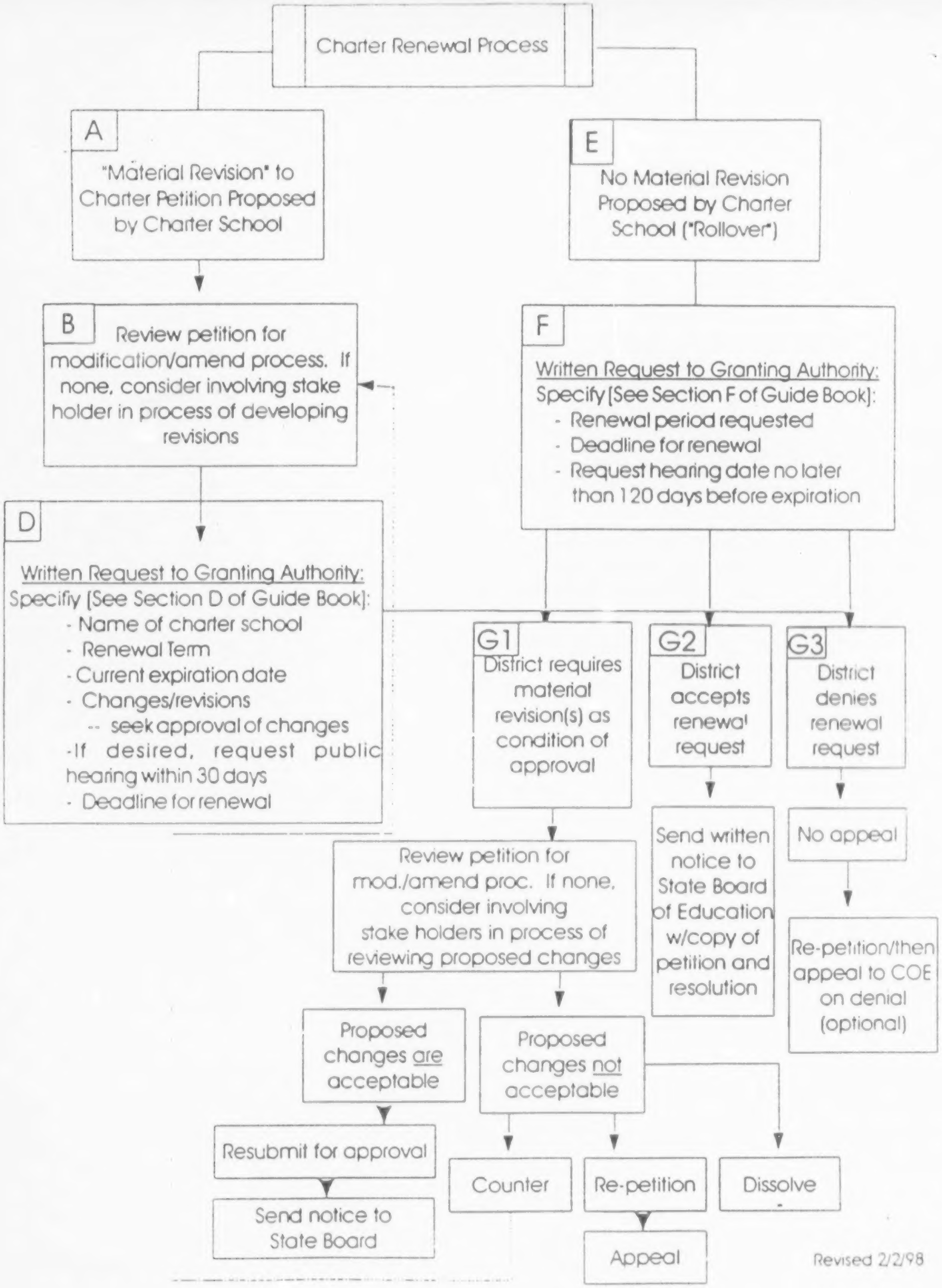
2. *District Accepts Renewal Requests*

If the district accepts the charter school's renewal request without conditioning approval upon any material revisions, the district should send written notification to the State Board of Education of its renewal. The notice of renewal should include a copy of the petition, with a resolution of the governing board approving the renewal, which should also indicate the term of renewal.

3. *District Denies Renewal Request*

If the governing board denies the renewal request and does not condition renewal upon material revisions, the charter school has no appeal rights. The charter school's only option is to re-petition, (i.e., relinquish the charter and re-petition to the governing board with a new charter petition) using school district teacher signatures (not charter school teachers' signatures) (either 50% of an individual school in the district or 10% of the teachers in the district as a whole) and reapply to the governing board so as to preserve its right to appeal to the county office of education.

C:\gandv8\sandiego\narrative #5 57.wpd/April 1, 1998 (11:43AM)


Charter Renewal Process
A
"Material Revision" to Charter Petition Proposed by Charter School
B
Review petition for modification/amend process. If none, consider involving stake holder in process of developing revisions
D
Written Request to Granting Authority:
Specifiy [See Section D of Guide Book]:
- Name of charter school
- Renewal Term
- Current expiration date
- Changes/revisions
-- seek approval of changes
-If desired, request public hearing within 30 days
- Deadline for renewal
E
No Material Revision Proposed by Charter School ("Rollover")
F
Written Request to Granting Authority:
Specify [See Section F of Guide Book]:
- Renewal period requested
- Deadline for renewal
- Request hearing date no later than 120 days before expiration
G1
District requires material revision(s) as condition of approval
G2
District accepts renewal request
G3
District denies renewal request
Review petition for mod./amend proc. If none, consider involving stake holders in process of reviewing proposed changes
Send written notice to State Board of Education w/copy of petition and resolution
No appeal
Re-petition/then appeal to COE on denial (optional)
Proposed changes are acceptable
Proposed changes not acceptable
Resubmit for approval
Send notice to State Board
Counter
Re-petition
Dissolve
Appeal
Revised 2/2/98

# SAMPLE TIME LINE

## A. MATERIAL REVISION TO CHARTER SCHOOL PETITION (Charter School Expiration Date: 6/30/XX) (District renewal contingent upon adopting district proposed changes)

| 1/1 | 1/15 | 1/30 | 2/20 | 3/5 | 3/20 | 4/1 | 4/20 | 5/1 | 6/30 |
|---|---|---|---|---|---|---|---|---|---|
| Charter School develops list of material revisions | Charter school reviews suggested revisions with stakeholders | Charter school petitions school for renewal (requests hearing within 30 days) | Board hearing:<br>1. Accept<br>2. Deny, or<br>3. Condition Approval | Letter to charter school requesting revisions to charter | Charter school meets with stakeholders. Negotiates language with district. Accepts/rejects/counter proposals | If accepts, charter school sends notice to district of acceptance of changes | Board meeting to adopt new charter | Notice sent to State Board of Education | Expiration of original charter |

## B. ROLLOVER RENEWAL PROCESS (NO MATERIAL REVISIONS) (Charter School Expiration Date: 6/30/XX)

| 1/1 | 1/15 | 2/20 | 3/5 | 3/20 | 4/1 | 4/20 | 5/1 | 6/30 |
|---|---|---|---|---|---|---|---|---|
| Charter school reviews petition with stakeholders | Charter school sends request for rollover renewal (requests hearing within 30 days) | Board hearing:<br>1. Accept<br>2. Deny, or<br>3. Condition Approval | Letter to charter school requesting revision to charter | Charter school meets with stakeholders. Negotiates language with district. Accepts/rejects/counter proposals | If accepts, charter school sends notice to district of acceptance of changes | Board meeting to adopt new charter | Notice sent to State Board of Education | Expiration of original charter |

**EXHIBIT D**

**Academy Charter School**
Castle Rock, Colorado

# CONTRACT FOR EXCELLENCE
# PROGRESS REPORT

November 1, 1996

Academy Charter School continues to make significant gains measured against the goals established in ACS's original application, February 1995. Now entering its fourth year and serving 333 students in grades K-8, ACS has demonstrated *schools of choice* are viable alternatives to traditional public education. Our student body includes 13.3% special needs population, 8% free or reduced lunch recipients, and 10% Title One; each exceeding both district and national averages.

## A. Graduation Rate

### 1. 100% of eighth grade students will go on to high school ninth grade classes.

*Goal achieved*

Graduation rate for 1995-1996 was 100%. All eighth graders are currently enrolled in ninth grade at various public and private schools. Eighth grader Lisa Allen was recognized as a Mullen Scholar by Mullen High School in Denver, Colorado, and was awarded an academic scholarship. Of the 258 students who took the high school placement test at Mullen High School for the 1996/97 school year, Lisa scored in the top ten.

### 2. 100% of all At Risk students will have individual learning plans.

*Goal achieved*

Every student at Academy Charter School has an Individualized Learning Plan (ILP).

### 3. Academy Charter School students will meet Douglas County School Districts satisfactory levels in all areas on the 1995 MEAP tests.

*Goal exceeded*

The 1995 MEAP test results show the percentage of Academy Charter School students scoring at the satisfactory level in all areas exceeded the district's average. Although we have ITBS data for 1995-96, we have discontinued utilizing ITBS tests this year, 1996-97 at Academy Charter School. In general, our composite scores met or exceeded national averages in all areas. We are in the process of developing standards and assessment tools to correlate with the new state academic standards.

### 4. At least 9 months of academic growth for each child will be documented.

*Goal achieved*

This goal, at least as written, was probably not attainable. Eighty-six percent of our student population demonstrated at least nine months growth. The remaining 14% have been identified as At Risk. The majority of the latter population represents low end At Risk students. In the school's first year of operation, ten students (8.4%) were staffed as special needs students. During the second and third years, twenty-six additional students were staffed into the special needs program, bringing the total number of students formally served (IEP's established) to forty-four (13.3%).

## B. Attendance Rate

### 1. Maintain or exceed 96%

*Goal achieved*

96% attendance rate 95-96

EXHIBIT D

2. **75% of the parents volunteer at least 20 hours annually.**
*Goal not achieved*

Parental involvement:

| | |
|---|---|
| 1993-94 | 7,000 hours |
| 1994-95 | 8,127 hours |
| 1995-96 | 11,400 hours |

90% of Academy Charter School families volunteered a total of 11,400 hours in 1995-96. We have exceeded the number of hours from the previous year, and 57% of the families documented volunteered at least 20 hours. With the assistance of our new volunteer coordinator, the following steps were implemented to increase the percentage of parental participation:

- Improved process for documenting parental hours
- Developed a parental skills/expertise list to match with school needs
- To more effectively meet our diverse demographics, volunteer projects are being better coordinated to accommodate community groups.

3. **Positive climate.**
*Goal achieved*

1995-96 Parent Survey: Goal: 90% of the respondents to the parent survey agree or strongly agree with the following statements:

| Strongly Disagree | Disagree | Agree | Strongly Agree |
|---|---|---|---|
| 1 | 2 | 3 | 4 |

- Academy Charter School meets the needs of my student.
  Survey: 95% - 3.5 average score
- My child likes school.
  Survey: 95% - 3.4 Average score
- Parent Teacher conferences tell me what I need to know about my child's progress.
  Survey: 94% - 3.5 Average score.
- My child feels safe at school.
  Survey: 95% - 3.4 average score.
- I plan to enroll my child in Academy Charter School for 1996-97 school year.
  Survey: 97% - 3.5 average score

## C. Student Achievement Rate

1. **Meet or exceed the 65 percentile on composite scores for grades second through eighth.**
*Goal exceeded*

Grades second through eighth met the 73rd percentile. We will discontinue utilizing ITBS tests this year, 1996-97. Our goal is to correlate ACS assessments with new state academics standards.

2. **Portfolios will be developed to show student growth over time.**
*Goal achieved*

Portfolio criteria for student assessment was initiated in 1995-96. A faculty committee was composed in Fall 1996 to finalize and implement portfolio assessment.

**EXHIBIT D**

3. **The percentage of continually enrolled At Risk students will have been reduced by 7%.**
*Goal not met*

The percentage of continually enrolled at risk students remains the same, although we have had an 8% decrease in the amount of resource services being provided. These IEP students have had the amount of services provided reduced, demonstrating individual growth and development.

4. **ITBS will be administered annually to each student in grades second through sixth.**
*Goal exceeded*

ITBS was administered to grades second through eighth. ITBS will be discontinued for the 1996-97 school year in order to align with district assessments.

5. **85% of continuously enrolled students will score at or above predicted ability levels on both reading and math.**
*Goal achieved*

Composite reading and math scores were at the 73rd percentile on the ITBS.

## D. Additional Goals

1. **Implement Phase I of Technology Plan. This includes purchasing 19 multimedia pc's to create a lab including peripherals (color printer and scanner, 4 lab + 2 middle school computers) and software. ACS staff will, with the assistance of parent, district, and business resources will:**

- Solicit individuals to create TechCorp, a group of ACS and community members knowledgeable about computer systems, dedicated to completing and supporting this project
- Determine and bid hardware, software and installation requirements to create the a multimedia computer lab and computer supported classrooms
- Define expectations for teacher use the classroom, for instructional, communication and administrative purposes
- Arrange for installation of the system. Provide training and ongoing support for teacher and staff implementation of the above, in house and or in conjunction with a facility such as TCI's Sparkman Center
- Purchase the hardware, software, and installation materials to create the system

*Goal achieved*

- 19 multimedia pc's purchased to create computer lab including peripherals (color printer and scanner, 4 lab + 2 middle school computers) and software
- Lab computers networked for printing and equipped with Microsoft Office and educational software bundles.
- CD-ROM library has been established and maintained by the computer lab manager
- TechCorp committee has been created to coordinate this project
- Preliminary staff training has been established for the implementation of technology into the classrooms

2. **Implement Phase II of Technology Plan. Supply each of our 20 classrooms with a networked, multi-media computer, with some shared resources to be used for instruction, communication and administrative purposes. ACS staff will, with the assistance of parent, district, and business resources will:**

- Provide classrooms with hardware/network, service provider, and software for integration of technology into the classroom.

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**EXHIBIT D**

- Provide training and ongoing support for teacher and staff implementation of the above, in house and/or in conjunction with a facility such as TCI's Sparkman Center
- Implement grading programs software at the middle school level, generating mid-quarter grades and quarterly report cards.
- Integrate computer knowledge and classroom assignments
- Schedule computer instruction 1-5 times a week for grades K-8, fifty minute classes.
- Target computer-driven lessons for At Risk students
- Access CARL, CDE, Colorado On Line, and other educational websites

*Goal Achieved:*

- Classrooms supplied with multi-media computer.
- Staff training has been established for the implementation of technology into the classrooms. Computer manager IBM trained education specialist.
- Middle school teachers are currently reporting mid-quarter and quarterly grades using Grade Buster software
- Integration of computer knowledge and classroom assignments have begun. Example: integration of science unit on solar system and use of computer power point, Microsoft Office, for demonstration of information researched.
- At Risk students provided with extra computer time in classrooms and computer lab to assist or supplement curriculum topics.
- Grant funds have been encumbered for networking/hardware, service provider, virus protector, software, and classroom printers.

3. **Strengthen science program including alignment of Core Knowledge standards with state/district standards, insure girls as well as boys are successful and encouraged in all areas of science and higher mathematics, create further lab space and requisition of equipment needed.**

   *Goal achieved:*

   Science department worked on aligning Core Knowledge standards with state and district standards, exceeding all standards. Two inservices were devoted to the topic of breaking down the barriers between girls and the higher mathematics and science. This is further strengthened by a majority of female teachers teaching higher math and sciences at ACS. Build out funds were budgeted for the development of a second science lab which was completed this summer. Equipment has been purchased to furnish this second lab.

4. **Develop a comprehensive Spanish program for continuity of learning for grades K through 8, coordinating curriculum standards with Douglas County standards.**

   *Goal achieved:*

   ACS Spanish teacher met with Douglas County High School Spanish department head and coordinated programs for matriculation credits to high school. A second Spanish teacher was hired with primary responsibilities for grades K-5. Middle school Spanish is a mandatory part of the regular academic program and meets five times a week. Elementary Spanish is a mandatory part of the regular academic program and meets three times a week. Resources were purchased to coordinate with high school curriculum standards.

5. **Provide opportunities for staff professional growth and development:**
   - Articulate and practical inservices for ACS teachers
   - Teacher representatives to local, state, and national conferences
   - Implement state approved teacher induction program for Colorado certification
   - Establish district Building Resource Teacher (BRT) to provide further teacher support/training

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**EXHIBIT D**

*Goal achieved*

- Ms. Julie Fairly, Douglas Country School District Secondary Education Director presented a two day inservice on "Managing Organizational Transition." This inservice utilized materials created by William Bridges & Associates
- Mr. George Betts, presented inservice on working with gifted and talented
- One teacher and one governing board member attended and presented workshop at Colorado State Accountability conference
- Charter School conference, Spring of 1996, attended by all ACS faculty
- ACS Dean and two teacher representatives attended National Core Knowledge conference, Baltimore
- Dean Kern, ACS Dean, presented inservice on "Mainstreaming the Gifted and Talented," a targeted area of concern for curriculum development
- Jeff Reick, ACS standards committee, presented an overview to the standards writing and implementation process
- Additional inservice topics including comprehensive language arts program, portfolio assessment, authentic assessment, and the integration of disciplines across the curriculum will be ongoing this year
- State League of Charter Schools conference attended by ACS Dean, four governing board members, and one teacher representative
- State Para-Pro Conference attended by one instructional aide
- National Charter School Policy Summit attended by ACS Dean, two governing board members, and one teacher representative
- National Core Knowledge conference, Spring 1997 to be attended by all ACS faculty; funds encumbered for registration fees
- ACS Dean coordinating with Douglas Country School District teacher induction program supervisor and program implementation
- BRT position filled temporarily
- ACS teacher evaluation alignment with state approved program for teacher certification

## E. Community Satisfaction With School Performance

### 1. 75% of the parents volunteer at least 20 hours annually.

*Goal not achieved*

Parental involvement:

| | |
|---|---|
| 1993-94 | 7,000 hours |
| 1994-95 | 8,127 hours |
| 1995-96 | 11,400 hours |

90% of Academy Charter School families volunteered a total of 11,400 hours in 1995-96. We have exceeded the number of hours from the previous year, and 57% of the families documented volunteered at least 20 hours. With the assistance of our new volunteer coordinator, the following steps were implemented to increase the percentage of parental participation:

- Improved process for documenting parental hours
- Developed a parental skills/expertise list to match with school needs
- To more effectively meet our diverse demographics, volunteer projects are being better coordinated to accommodate community groups.

### 2. Positive climate.

*Goal achieved*

1995-96 Parent Survey: Goal: 90% of the respondents to the parent survey agree or strongly agree with the following statements:

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**EXHIBIT D**

| Strongly Disagree | Disagree | Agree | Strongly Agree |
|---|---|---|---|
| 1 | 2 | 3 | 4 |

- Academy Charter School meets the needs of my student.
  Survey: 95% - 3.5 average score
- My child likes school.
  Survey: 95% - 3.4 Average score
- Parent Teacher conferences tell me what I need to know about my child's progress.
  Survey: 94% - 3.5 Average score.
- My child feels safe at school.
  Survey: 95% - 3.4 average score.
- I plan to enroll my child in Academy Charter School for 1996-97 school year.
  Survey: 97% - 3.5 average score

## F. Effective School Practices

***"Academy Charter School provides a challenging academic program based on the Core Knowledge Sequence that promotes academic excellence, character development, and educational enthusiasm for its students."***

### 1. Academic Excellence: A Statement of Mission

Academy Charter School fully implements and utilizes the Core Knowledge Scope and Sequence as the basis for its academic program. The alignment of Core standards with district and state standards present an academic program of quality as demonstrated through ACS students scoring above district and national averages. School wide research protocol reinforces the striving for academic excellence. Academic excellence recognized by ACS Honor Roll and ACS Dean's List.

### 2. Character Development: A Statement of Mission

The Building Accountability Committee developed a piloted Character Development program with specific lessons for instructors to implement across the Core Knowledge Sequence. This project continues to be refined and expanded. This year includes components of community service and citizenship.

### 3. Beliefs About Learning: A Statement of Mission

The emphasis upon this program is that all children can learn at higher levels than previously expected. Content standards reinforce a challenging curriculum that is delivered through a variety of modalities meeting a wide range of learning styles and needs. Team teaching, small class sizes, sequential and continuity of content standards enhances a child's love for learning.

### 4. Clearly Defined Parent/Student Handbook; Policies and Procedures

Academic and behavior expectations are clearly and simply communicated through the use of an annually published Parent/Student handbook. Classroom teachers establish classroom management procedures based upon Lee Canter's Assertive Discipline. Consequences for minor and major infractions are clearly written and enforced in a fair and equitable manner. ACS policies are adhered to as stated by governing board and implemented by administration.

### 5. Individual Learning Plans

Individual Learning Plans (ILP) are jointly created by teachers and parents for each student, bring attention to areas of strengths and weaknesses for further improvement. Application of knowledge is our goal, being-demonstrated through traditional means, technology, or use of authentic assessments. Portfolios are incorporated to further demonstrate and track student growth for personal and parental evaluation. Students are encouraged and supported to extend and achieve beyond their perceived limits. It is inherent that a student's self esteem is built

**EXHIBIT D**

upon the concept of mastery of material and higher order thinking skills. ILP's enhance this process, helping the child to become a life long learner.

## 6. Staff and Parent Involvement

Staff and Parental involvement in the student's academics are crucial for demonstrated achievement. ACS staff demonstrate and model on a continuous basis educational enthusiasm. They are seen as master teachers, facilitating, coaching, instructing, and supervising students academic development. The partnership of teachers and parents strengthens this process as evident by high test scores, positive community environment, and high re-enrollment numbers. Parents actively involved in their child's education demonstrate concern and support for their child's academic gains. ACS staff and parents have donated thousands of hours to further enhance and strengthen a combined commitment to the students and their educational environment. Parental surveys record the support and enthusiasm the ACS parental community provide.

## 7. Academic Program Assessment/Enrichment

Core Knowledge Scope and Sequence provides the basis for a content rich curriculum, guiding students through an academic program of quality. As student needs are identified, adjustments are made to individualize program content for each student. The ACS Academic program is continually evolving to meet a wide variety of academic challenges and future needs. Programs such Spanish immersion and Reading Resource provide further flexibility and strength, allowing students to participate in a much wider range of academic offerings. Technology purchases and implementation into the daily curriculum instruction support and broaden the Core Knowledge Sequence, offering another avenue for exploration and research. Students at all levels benefit from the depth and breadth of course offerings, each being tailored to meet their individual and corporate needs.

## 8. Charter School Leadership

582 students on our waiting list attest to the fact that Academy Charter School continues to offer parents a "school of choice." ACS continues in its endeavors to align the Core Knowledge Sequence with district and state standards, thus assuring the Core Knowledge schools can meet of exceed these standards. and local/national student performance expectations. This year ACS implemented the first Home School study program among state charter schools; a program especially designed for homeschooled students wishing to attend ACS on a part-time basis. ACS continues to provide an essential leadership role within the charter school movement both statewide and nationally, providing and sharing of expertise, knowledge, and experience. Partnerships with new charter schools and Core Knowledge schools are continually evolving, providing avenues for collegial support and collaboration in the areas of staff development, research, technology, standards implementation, and assessments.

Respectfully Submitted By:

| Dean Kern | Karen Woods | Wayne Mayes |
|---|---|---|
| Dean Kern | Karen Woods | Wayne Mayes |
| Dean | Accountability Teacher Rep. | Accountibility Chairperson |

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# Fenton Avenue Charter School

**January 1, 1994 to Present**

## Operational/Instructional Improvements

- Test Scores up 16.1% ('93-94 vs '94-95 - both CTBS and Aprenda)
- '95-96 CTBS up 5.5%; Aprenda up 28.7%
- Highest student attendance rate gain of all 640 schools in LAUSD ('94-95)
- Highest student attendance rate of all LAUSD of non-charter schools ('94-95); in-seat attendance rate continues to be one of the highest in Los Angeles County into 1997
- Teacher absenteeism has decreased by 80% over pre-charter days
- Reduced class size from 30 to: K-3 - 20
  4-6 - 25
  (First public elementary school in California to reduce K-3 to 20-1 in August, 1996)
- Added equivalent of 31 full-time positions (teachers, psychologist, counselor, librarian, resource teachers, security, clerical, etc.)
- Daily Afterschool Enrichment Classes, Academic Clinics and Study Hall
- Saturday Parent/Student Classes
- Monthly locally-designed progress reports to parents
- Manage and operate our own Food Services Program which feeds all students at no charge; students are offered three breakfast choices and five lunch entrees.
- Provide and manage our own Health/Welfare benefit plans and funded retirement Health/Welfare benefits
- Parent-initiated and supported mandatory uniform policy
- Provides free accident insurance for all students
- Added three mentor teacher positions
- Provide staff long-term disability insurance
- Grants awarded:
  - Riordan Foundation Grants (totaling $\$102{,}000.^{00}$)
  - Mattel Foundation Grant ($\$40{,}000.^{00}$)
  - California Department of Education Charter Schools Grant ($\$48{,}700.^{00}$)
  - State of California Early Mental Health Initiative Grant ($\$76{,}000.^{00}$ - 3 years)
  - Alliance of Schools for Cooperative Insurance Programs Grants ($\$37{,}000.^{00}$)
  - Lopez Canyon Amenities Trust Fund Grant ($\$35{,}000.^{00}$)

Multi-Year contracts negotiated:

  - General Telephone Electronics contract ($\$190{,}000.^{00}$ -10 years)
  - Educational Management Group (EMG) contract ($\$1{,}000{,}000.^{00}$ over 5 years)

- Salary restoration (1% above LAUSD - '95-96)
- '95-96 bonuses for all staff totaling \$85,000.00; flat amounts gave lowest paid teachers the highest percentage of salary bonus
- 5% salary increase for all Food Service and Supervision Personnel ('95-96)
- 2% salary increase for all staff ('96-97)
- 3% salary increase for all staff ('97-98)
- Reduced administrative personnel by 25% and redirected funding to provide a music teacher and a full-time technology consultant
- Family Center run by Community Representatives offering daily classes /workshops, referrals, Food Pantry
- Mobile Manufacturing Technology Lab (MTL) being acquired for entire cluster of 18 schools
- Attracted over 130 students from outside our old attendance boundaries (nearly all students on permits have returned to Fenton)
- Reduced liability/perils insurance costs while increasing coverage five-fold
- Reduced Workers' Comp. Insurance expenses by 50%
- Increased instructional materials/equipment expenditures 100%
- York Phonics inservice (nine full days for teachers and students)
- "Estrellita" Spanish reading program purchased and implemented
- Compensation for Grade Level Chairs
- Payroll twice a month
- Increased on-site expenditures by over \$1 million annually above amounts spent by LAUSD
- Carried \$500,000+ reserve through three and one-half years of operation
- Implementing Phase I of aggressive technology plan:
    - Over \$2 million committed to immediate installation of systems, hardware and software (currently four 5th grade classrooms with one computer per student, six computers in each 4th grade, and 4 computers in all primary classes - over 300 total computers)
    - Entire school networked to handle advanced technology for next 20 years
    - Our capability will be as good as the most technologically advanced university in the world
- On-site television broadcasting studio
- Intrusion alarm system installed throughout school
- Earthquake retrofits to classrooms, supply rooms and library accomplished within 30 days of 1/17/94 quake
- Walk-in refrigerator/freezer installed in cafeteria
- Air circulation/cooling system installed in cafeteria kitchen
- New stove and ovens installed in cafeteria
- Entire three acre playground replaced at one-fourth cost quoted by LAUSD 6 years ago
- Nine additional classrooms added to campus (State Relocatables Lease Program)
- Converted one classroom into four rooms:
    - two adult bathrooms

  - playroom for Early Mental Health Initiative Program
  - multipurpose room
    - days: Opportunity Resource Program
    - afternoons and evenings: adult college/graduate level courses via distance learning and additional adult E.S.L./Citizenship classes
- Two 40 ft. cargo containers purchased for emergency supplies/equipment and storage space
- Two storage rooms converted to air conditioned office and instructional room
- Installed exterior security lights throughout campus
- Installed an additional 150 cubic feet of cupboard storage to each classroom
- Refinished all adult desks (48)
- Purchased decent chairs for all adults
- Adapted modular ramps changing an 80 foot walk to next room to a two-foot walk
- Installed numerous walls and landscaping to improve security and environment
- Installed classroom listening amplification sound systems in all classrooms
- Adopted primary phonics program for grades Pre-K through first
- Installed new floors in fifteen classrooms, created an additional office and an additional Writing to Read/VALE Computer Lab, and installed porch overhangs on newly installed classrooms
- Installed air conditioning and new energy efficient lighting in auditorium
- Currently constructing two classrooms which will allow all kindergartens to have an extended day program
- 1997 California Distinguished School

# Fenton Avenue Charter School

January 1, 1994 to Present

## Operational/Instructional Improvements Linked to Fiscal Autonomy (√)

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- 1997 California Distinguished School

# Fenton Avenue Charter School

## Plans for the Future

- Continue class size reduction efforts to achieve ultimate charter goal of 20-1 in all grades.

- Continue implementation of technology plan with creation of additional VLS classrooms (one computer per student) and continued reduction of computers per student ratio.

- Construction of "pier" second stories to permanent buildings to allow additional space for growth, intersessions, a larger production studio, an arts lab, science lab, music lab, multipurpose rooms and other options under study (e.g. child care facility, physical fitness center, staff development center).

- Possible purchase of additional property for additional staff parking.

- Ongoing staff development program utilizing a "banking time" schedule (longer school day 4 days a week; early dismissal on Wednesday). Additionally, funding received from Charter Schools Grant will be utilized for 1 full day of staff development (entire staff will be present on pupil-free day). The focus of our 1997-98 staff development will be:
    - Technology (ongoing)
    - Language Arts (ongoing)
        - Writing Process
        - Phonics
    - Standards (ongoing)
        - Brain Research
        - Lesson Planning Based on Brain Research
        - Identification of Fenton Standards (based on all the above)
        - Identification of Standards-Based Assessment Materials
    - Three days of staff development (July 1, 1997 and 2 Saturdays):
        - Brain Research
            - Learning Modes
            - Learning Styles
            - Learning to Learn
            - Multiple Intelligences
            - Brain Compatible Strategies

- Increasing Pre-Kindergarten instruction time from four to five days (25% increase).

# Day 2

## Start-up Logistics

Session A: Facility Issues
Session B: Legal Status Issues
General Session: Business Plan

## Governance and Management

Session A: Leadership
Session B: Transitions

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# Start-up Logistics—Opening Session

**Key Issues:**

1. Facility issues
2. Legal status issues
3. Business plan development

**Goal:** Participants will learn how to access appropriate information regarding facility issues, legal issues, state building codes, and business plan development

# Session A: Facility Issues

**Key Issues:**

1. How to identify a site
    a. Rent, lease, and purchase options
    b. Where to look for facilities
2. Deciding what you need in a site—requirements, equipment
3. Managing capital outlay
4. Zoning, building codes, other school facility regulations
5. Solutions, resources, other sources of funds—what is out there

**Goals:**

1. Participants will learn ways to start looking for a facility
2. Participants will learn how to access appropriate information and explore existing possibilities
3. Participants will learn about relevant building regulations

**Instructional Resources:**

Facilities worksheet

Leadership for Quality Education. (1997). Facilities. In 1997 Charter resource guide. (pp. 1-6). Chicago, IL.

**Additional Resources:**

Pioneer Institute for Public Policy Research. (1997). Chapter 8: Facilities. In The Massachusetts charter school handbook. Third Edition. (pp. 39-44).

**Session Structure:**

1. Needs assessment-what are the requirements of the school?
2. Identify and evaluate possible sites
3. Discuss solutions, resources, alternative funding sources
4. Ask questions such as "What are other charter schools doing? What potential is there for partnering? What are some other creative options?"

# Curriculum Outline for:
## Session A: Facility Issues

I. **Needs Assessment**: Deciding what your school needs
  A. Keep vision clear—the facilities should reflect the vision
  B. Is your school willing to relocate in a year or two?
  C. How many students do you have, or plan to have?
    -Expect to have 100-125 square feet per student
  D. What type of classroom is needed? How much space? Is office space needed?
  E. What location do you want for your school?
    -Consider the proximity of student homes
  F. Do you need a gym, a recreation area, a lunchroom?
  G. Make sure you know who is paying for what!

II. **Identifying Possible Sites**
  A. Pre-identification—be aware of building and zoning codes, permits, and approval process

  B. Finding the site
    1. Existing district or educational facilities
      a. Form an agreement (possibly in the charter) with the district or the charter granting agency
      b. Partner with a local community college or existing private or alternative schools
    2. Existing community of public facilities
      a. Partner with local community groups (YMCA, Boys and Girls clubs, community centers)
      b. Inquire with the city for a list of vacant buildings currently owned by the city
    3. Other options
      a. Consult with a real estate agent, architectural firm, or a business
      b. Network and use other relationships to identify possibilities including:
        -Office space
        -Retail space
        -Donations of buildings
        -Partnerships with local businesses (school-to-work relationship)

III. **Evaluate the Site**
  A. Evaluate space requirement—Is the space appropriate considering the mission of the school?

  B. Location—Does the location fit your needs and the needs of your students?

  C. Building Status—Is the building up to code? If not, how much will it cost to bring it up to code?

D. Contract with professional services to evaluate building
  1. Districts have services to inspect buildings
  2. City building inspectors
  3. Architectural firms to evaluate the building

E. Explore the liability cost for the specific type of building

IV. **Zoning, Building Codes, Regulations**
A. Local zoning ordinances
B. Local building codes
C. Americans with Disabilities Act (ADA) regulations
D. Other public building requirements
  1. Hazardous materials
  2. Fire codes (i.e., proximity to fire hydrant)
  3. Entrances and exits
  4. Light requirements
  5. Space requirements (bathrooms, space room)

V. **Solutions, Resources, Sources of Funds**
A. Renting/Leasing
  1. Leasing options (types of leases for different spaces)
  2. Use real estate agents for consultation
B. Loans
C. Capital outlay
D. Start-up funds
E. Financial packages
F. Public financing companies
G. Grants and other sources of financing

## Facilities Issues Worksheet

**Checklist of information to obtain regarding charter school facilities:**

| Item | Contact Agency | Person responsible |
|---|---|---|
| Federal and State codes;<br>Local ordinances | | |
| -ADA compliance | | |
| -Fire safety compliance | | |
| -Building codes | | |
| -Land use zoning and other regulations | | |
| -Other local ordinances | | |
| Resources for loans, financing | | |
| Contacts for city building inspectors | | |
| Real estate agents (renting and leasing specifics) | | |
| Insurance (property and liability) | | |

**Financing companies that specialize in charter schools financing**

1. Equimor Holdings, Inc.
   California: 800-204-6380 Fax 909-941-2591
   Arizona: 888-947-5812 Fax 602-947-1059
   Texas: 888-610-3102 Fax 817-483-5266

2. Asset Backed Income Group, Inc.
   1420 S. Mills Avenue, Suite E Phone: 209-367-7788
   Lodi, CA 95242 Fax: 209-367-7799

Excerpted from: *1997 Charter Resource Guide*. (1997). Chicago, IL: Leadership for Quality Education. (Reprinted with permission.)

## FACILITIES

For "fresh start" charter schools, identifying and preparing a facility remains one of the greatest challenges. While charter developers throughout the nation hear this repeatedly, it often remains on the back burner until it is almost too late to solve. As you move forward in the development of your school, you can expect that when it comes to a facility, you need to start earlier than you think and it may take longer than you think.

Although there is no perfect formula for locating and developing an adequate school site, there are several steps you can take to mitigate facility-related problems. Our discussion here is divided in four parts:

- Site Identification;
- Site Evaluation;
- Lease/Purchase Negotiation;
- Capital Finance; and
- Construction Management.

Let's begin at the beginning

### Site Identification

Once you have your school's vision and mission in place, you need to begin to think more specifically about how that translates into physical space. Other than the size of your student population and staff, your educational philosophy or pedagogy may be a major driver of your space needs. As you develop a needs assessment, think about both your interior and exterior needs

Ask yourself:

- how many classrooms do you need?
- how many private or semi-private offices?
- do you need large flexible spaces for assemblies, lunchroom, physical education, etc.?
- do you need rooms for specialized uses, i.e., art studios, libraries, and computer labs?
- do you need meeting rooms for teachers, conferences, student counseling or Board meetings?
- what are your needs for staff parking?
- what kind of play or recreation space do you need?

Try to translate these needs into approximate square footage estimate so you can begin your search. Generally, you will need about 100 square feet per elementary school student and 150 square feet per secondary school student. Approximately 50% of total space is allocated for classrooms. A conventional classroom for 25 students will measure 750 to 900 square feet.

**Think about the resources and talent that you have access to at little or no cost -- friends, colleagues and Board members with the expertise that you need as you go through this process, such as real estate brokers, attorneys, architects and engineers.**

Don't forget to plan for growth -- You don't want to do this again next year!

Focus your Search

Charter school developers need to have particular locational needs in mind when they begin their search. Many want to be community-based schools and will target their search exclusively in one neighborhood. Others want to attract students from several neighborhoods or from across the city. A range of considerations then come into play -- access to elevated or bus routes, perceived safety (including issues of gang turf) and access to job or internship placement.

If you do not have a specific neighborhood in mind, try to narrow down your possibilities to a couple of areas. It will increase the efficiency of your search and make the best use of your limited time.

Identify Potential Sites

Drive around your targeted neighborhood(s) and do a "windshield survey" to try to identify any vacant or possibly available school sites. Be forewarned that this market is increasingly tight. In 1995, the Chicago Public Schools began an aggressive program to demolish or sell vacant public schools. This, combined with the recent renovation of several facilities for use as transition centers, has dramatically decreased the number of available public schools. It is no coincidence then that almost all of the charter schools opening in 1997 are located in former Archdiocesean or private schools (see chart below). Vacant or underutilized private school buildings remain important resources for charter school developers looking for sites.

| Charter School | Site Address | Prior Use |
|---|---|---|
| Academy of Communications and Technology | 4319 W. Washington | St. Mel's Elementary School |
| ACORN | 2414 S. Albany | St. Ludmilla Elementary School |
| Chicago Preparatory | 4731 S. Ellis | Harvard School (private) |
| Perspectives | 1535 S. Michigan | Commercial Building |
| SABIS - North | 2235 N. Hamilton | International School (private) |
| SABIS - South | 1305 W. 95th | Academy of Our Lady |
| Triumphant | 4949 S. Seeley | Triumph School |

If you cannot immediately identify school sites, think of alternatives that may be able to adapt to school use. Remember, depending on the size of your school's population, you may not need to buy or lease an entire building. Think of spaces -- YMCA's, Boys and Girls Clubs, Park District facilities, Community Centers and vacant retail or commercial property. Avoid industrial sites which always need substantial work and often have costly environmental problems that need to be remediated.

Unless you have significant experience in real estate development and have substantial financial backing, do not even consider new construction for your charter school. You do not have time to explore this option if you want to open a school next fall

Contact Community Resources

If you come up empty on your initial survey, contact community resources for assistance in identifying other options, including the Alderman and other elected officials, community development organizations and neighborhood Chambers of Commerce. At this point, you may want to consult with a real estate broker with knowledge of your targeted area(s) to begin a more thorough search.

Consult an Architect

Once you have narrowed down your options, engage one of the architectural firms that have been "pre-qualified" by the Chicago Public Schools (see Appendix D of the CHARTER SCHOOL APLICATION) and have them provide you with a general idea of each site's feasibility and a rough estimate of the rehabilitation cost. This initial assessment should help you in the analysis of which site to ultimately choose. When you do make that choice, have your architect do a detailed inspection of the facility and complete the required Inspecting Architect Report (pp. 29-32 of the CHARTER SCHOOL APLICATION).

## Site Evaluation

Before you sign a lease or begin the negotiations of a purchase, you need to examine your architect's initial assessment and determine which of your possible sites is most desirable, feasible and affordable. In weighing this decision, you need to factor in the site's ability to meet your program needs, the feasibility of bringing it up to building code standards in a short (less than six months) time frame, the community's acceptance of a new school site, and your ability to finance minor improvements or major renovation

As you work with your architect to evaluate a site's feasibility, remember that while charter schools are exempt from many laws and regulations, they are not exempt from:

- local building code provisions;
- local zoning ordinances and land use restrictions; and
- the Americans with Disabilities Act (ADA).

Also, keep in mind that many neighborhood residents do not see a school, particularly a high school, as a welcome addition to the area. It is your job to reach out to community residents, businesses and institutions to ensure that the school is viewed as an asset, not a disruption to the fabric of their neighborhood. This is especially important if you are planning on utilizing a non-school facility that may require a zoning change or special use permit. Local aldermanic and community support is essential to effect this change. While your architect should be well-versed in the specifics of the building code for schools, you should become familiar with several key provisions that are dependent upon the building type and size

- Allowable Height;
- Number of Exits;
- Sprinklers and Alarms;
- Natural Light requirements; and
- Minimum number of bathrooms.

You should also remember that some modifications may be required to bring your space into compliance with federal ADA guidelines, including:

- accessible approaches and entrances (e.g. doorways, ramps, drop-off areas and parking spaces);
- accessible bathrooms, classrooms, offices and lunchrooms; and
- adequate signage.

A checklist of items that are required in the ADA's Standards for Accessible Design can be obtained from the National Institute on Disability and Rehabilitation Research by calling 1-800-949-4ADA. This checklist will help you review required modifications with your architect.

## Lease/Purchase Negotiations

Once you have chosen a site and determined its feasibility you are ready to begin negotiations of a lease or purchase. Again, involving an experience professional is your best bet. If you do not already have an attorney assisting you, Leadership for Quality Education has recruited a pool of attorneys who are interested in advising charter developers on a pro bono basis. Some of them are real estate attorneys and may be able to help you in your negotiations.

For the purposes of the charter application, you are required to provide some evidence that these negotiations are completed or well underway. The required letter of intent or a Memorandum of Understanding should be drafted or reviewed by your attorney before you submit your application

If you plan to lease your space, remember to include in your agreement a clear delineation of who is responsible for space alterations and improvements, general maintenance of the building and grounds and extraordinary maintenance and repairs. These costs -- and who is absorbing them -- should be factored in to your negotiations over rent. If the landlord will be responsible for completing any necessary construction, include in the lease guarantees that the work will be done to code and will be done in time to meet the school's deadline.

Once you are an approved charter school, you will be able to finalize your lease or purchase agreements and move forward on financing needed capital improvements

## Capital Finance

Obtaining affordable financing for new charter schools is difficult. Many charter developers are new organizations with no credit history and find it impossible to obtain private financing. Even established organizations may find that borrowers are reluctant to make a long-term loan on the basis of a short-term (three- to five-year) contract. Organizations across the country are trying to figure out mechanisms for capital financing and identifying sources of funds.

## Charter School Loan Fund

In Chicago, we are a bit ahead of the game. The Chicago Public Schools this past year made a commitment that no other district in the country has made: they set aside funds specifically to meet the capital needs of charter schools. While established by CPS, the Charter School Loan Fund is managed by the private, non-profit Illinois Facilities Fund The Fund makes three types of loans: capitalized equipment, building and leashold improvement, and start-up equipment and supplies. The terms of the loans are summarized in the table below.

| | Capitalized Equipment | Building and Leasehold Improvements | Start-Up Equipment and Supplies |
|---|---|---|---|
| Eligibility | Approved Charter Schools | Approved Charter Schools | First Year Approved Charter Schools |
| Eligible Costs | Capitalizable furniture & equipment | Acquisition, rehabilitation costs (hard & soft), leasehold improvements | Start-up instructional materials, supplies, textbooks |
| Term | 5 years, fully amortized | Amortized over 5 to 15 years. To be determined by IFF on basis of monthly payment and need. Balloon at 5 years | One year, fully amortized. Monthly payments. |
| Interest Rate | 5% | 5% | 5% |
| Security | Equipment/Furniture by UCC | Mortgage on acquisition/rehab | Board Receivables |
| Other | Monthly payments start Sept. 1 | Monthly payments. No payments for first quarter possible based on school cash flow. | Maximum loan: $20,000 |

The best way to avoid significant construction and occupancy costs is to locate in an existing CPS facility. If you do locate in a CPS school, building improvements would be covered under the existing Capital Improvement Program and occupancy costs would be minimal. A copy of a CPS lease is attached for your information.

## Construction Management

As was mentioned earlier, unless you or your organization has significant background in construction or construction management, you will need to contract with an experienced contractor to prepare your site for occupancy. If you are leasing space and the building owner will be making improvements, remember to ensure that your contract includes provisions to have the work completed by the date required in your charter contract. In either case, you must allow adequate time to complete the building improvements or renovations. The process to obtain building permits in Chicago is a lengthy one, as is the process to complete inspections on the back-end. You and your contractor should set a realistic time frame for the entire project -- from design to move-in. Do not underestimate the time needed to process a building permit for a school building. Both the Building and Fire Departments take extra precaution in reviewing plans and specifications involving space for children.

Already one charter school has been prevented from opening because of significant delays in the preparation of their space. Another has been forced to find temporary space for its first year of operation. The logistics of opening in one space and moving to another are difficult and should be avoided.

# Session B: Legal Status Issues

**Key Issues:**

1. Types of legal entities
2. Regulatory differences (liability, autonomy)
3. For-profit, not-for-profit, arm of the district

**Goal:**

1. Participants will understand the advantages and disadvantages of various legal entities
2. Participants will be able to select the appropriate legal status for their charter school

**Instructional Resources:**

Pickrell, T. (1998). Outline for strand B: Legal status. Charter School Leadership Academy. Portland, Oregon.

Jefferson County School District. (1998). Charter School Contract. [Online]. Available: http://www.uscharterschools.org/res_dir/res_primary/res_contract.htm

**Additional Resources:**

Guajome Park Academy. (1998). Bylaws of Guajome Park Academy, Incorporated. [Online]. Available: http://www.uscharterschools.org/res_dir/res_primary/res_articles.htm.

Charter school legal issues by state. See: State-specific resource workbook.

**Session Structure:**

1. General discussion of different types of legal entities
2. Advantages and disadvantages of each type of entity
3. References and instructions on how to incorporate
4. Options in each state

# Curriculum Outline for:
# Session B: Legal Status Issues

I. **Importance of Legal Status**
   - A. States give charter schools varying levels of fiscal and legal autonomy
     - 1. Schools need legal status to reflect the various levels of autonomy
     - 2. Need legal status to hire, fire, contract for services
     - 3. Need legal status to be a fiscal and legal agent

   - B. Legal status affects the business decisions a school makes
     - 1. Can the school contract for services? Liability issues including personal liability? Regulations?
     - 2. A school's vision might require different types of legal status

II. **Types of Legal Status for Charter Schools**
   - A. Not-for-profit 501c (3) incorporated
     - 1. Description
       - a. Usually has a board of directors and a CEO
       - b. Ability to accept tax-exempt donations
       - c. Ability to contract for services
       - d. Liability protection
       - e. Set up like a business
     - 2. Advantages and disadvantages

   - B. For profit (usually an established company)

   - C. Arm of the district
     - 1. Description
     - 2. Advantages
       - a. Close collaboration with the district
       - b. Use of district services more likely
       - c. District can do the budget and payroll
     - 3. Disadvantages
       - a. Minimal ability to contract
       - b. Minimal ability to accept funds
       - c. Limited overall autonomy

III. **Incorporation (necessary components)**
   - A. Name
   - B. Bylaws
   - C. Articles of incorporation
   - D. Tax exempt status

Charter School Leadership Academy
Tuesday, July 21 Morning Session
Strand B: Legal Status
Tom Pickrell

# Outline

## I. The Charter

1. A contractual agreement between a school operator and government agency.

2. An instrument through which regulatory obligations are assumed by a school operator.

3. A permit to operate a school and receive government funding.

## II. The Charter School as an Agent of the School District

1. Powers are delegated by the school district governing board to a person (school principal) or public body (board of directors) charged with responsibility for managing the operations of the school.

2. Policies and procedures of the school district apply to the school unless waived by the terms of the charter or by formal action of the school district governing board.

3. Employees of the school are employees of the school district.

4. The school district governing board or administration may issue directives to the school unless areas of unrestricted authority are expressly agreed upon in the charter or prescribed by statute.

5. Some generalizations about charter schools that operate as an agent of (as opposed to an entity separate from) a school district.

    A. The school tends to conduct its operations like other schools operated by the school district. The governing body of the school operates much like the governing board of the school district. The composition, however, is often a mixture of parents and staff and, thus, a form of site-based management.

    B. The district often provides the school with special education, procurement, payroll and accounting, and other support services.

C. The school's autonomy may be limited. As a practical matter, the school principal may serve two "masters"--the charter school's governing body and the school district's governing board and administration.

D. The school district's collective bargaining agreement and salary schedule may apply to the employees of the school.

E. The school's relationship with other schools in the district may invite comparison by parents with regard to education and other services and by staff with regard to compensation and other employment matters. Questions of fairness, defined with reference to other schools, may lead to unrest among parents and staff.

## III. The Charter School as an Autonomous Business Organization

1. The school is a business entity (e.g., corporation) independent from its sponsor (e.g., school district, university, state board of education). The school is, essentially, a private provider of a public service--education. As a autonomous organization, the school has the power to own property, contract and incur other liabilities.

2. The school's relationship with its sponsor is defined by the terms of its charter.

3. Unless expressly limited by law or the charter, the founders of the school have great latitude in determining how the school will be governed. The school's governance structure is typically defined in the bylaws of the organization that holds the charter.

## IV. Choice of Business Organization

1. Three types of business organizations
    - A. Partnership
        - 1) General
        - 2) Limited
    - B. Corporation
        - 1) For Profit
            - a) General
            - b) "Sub S"
        - 2) Nonprofit
    - C. Limited Liability Company
2. Most charter schools operate as nonprofit corporations
    - A. Corporate shield against liability
    - B. Qualify for tax exempt status and tax deductible donations
    - C. Tradition of governance of nonprofit corporation

## IV. Forming and Maintaining a Corporation

1. The incorporation process
    - A. Incorporators
    - B. Articles of incorporation
    - C. Filing/publication of articles
    - D. Bylaws
        - 1) Members
            - a) To be or not to be
            - b) Number
            - c) Eligibility/selection
            - d) Removal
        - 2) Board of Directors
            - a) Number
            - b) Composition
            - c) Selection
            - d) Term
            - e) Standing committees
            - f) Removal
        - 3) Officers
            - a) Duties
            - b) Removal
        - 4) Meetings
        - 5) Amendments
    - E. Organizational meeting
        - 1) Adoption of bylaws
        - 2) Appointment of officers
        - 3) Executing contracts
        - 4) Authorizing bank accounts
        - 5) Ratifying pre-incorporation activities
        - 6) Reviewing/authorizing tax-exemption application
2. Maintaining corporate status

A. Payment of annual fees

B. Appropriate use of name

C. Maintaining records

## V. Legal Duties of Directors and Officers

1. Fiduciary duty ("reasonable and prudent" standard)

2. Conflicts of interest

   A. What is a conflict?

      1) Financial benefit

      2) Personal/family benefit

   B. Notice to corporation

   C. Abstain from decision-making process

3. Protecting against personal liability

   A. Proper execution of agreements and title documents

   B. Act within scope of authority as agent of corporation

   C. State immunity for directors

   D. Indemnification provisions in bylaws for directors and officers

   E. Errors and omission insurance

## VI. Tax-Exempt Recognition

1. Advantages/disadvantages of 501(c)(3) status

   A. Advantages

      1) Federal income tax exemption for revenues other than unrelated business income

      2) Deductibility of contributions

      3) Grant eligibility

      4) Reduced postal rates

      5) Employee benefit plans

   B. Disadvantages

      1) Founders and investors cannot own an equity interest in the corporation

      2) Employees can receive only "reasonable" compensation; dividends and other forms of private inurement are prohibited.

      3) Tax laws do not dictate size or composition of board of directors, but court decisions indicate that a 501(c)(3) cannot be controlled by a

single person or a small group of related persons. Thus, founders risk a loss of control.

3. Application process
   - A. Form 1023
   - B. Articles of incorporation and bylaws
   - C. Description of activities
   - D. Financial statements (pre- and post-filing)
   - E. Fund-raising activities descriptions
3. Annual Reporting
   - A. Annual information return (unless qualified as a state institution)
   - B. Unrelated business income tax return (if any)
   - C. Employment tax returns (Income, FICA, FUTA)

## VII. Charitable contribution fund-raising

1. Charitable gift substantiation requirement
   - A. Written statement for contributions in excess of $250
   - B. Good-faith estimate of value of goods or services received by donor from school
   - C. No deduction for contributions that lack donative intent, i.e., child's tuition payment.
2. Quid pro quo contribution rules
   - A. A payment made partly as a contribution and partly for goods/services provided to the donor by the school
   - B. Mandatory written disclosure statement to donors for quid pro quo contributions in excess of $75. Exceptions:
     - 1) Value of benefit to donor is not more than 2% of the contribution
     - 2) Contribution is more than $35 and only benefit to donor is a "low cost article"
3. Appraisal requirements
   - A. Mandatory appraisal on items in excess of $5,000
4. Special events rules
   - A. Auctions

Back to US Charter Schools Web Site

# CHARTER SCHOOL CONTRACT

THIS CONTRACT, dated this 2nd day of June, 1994, is made and entered by and between the JEFFERSON COUNTY SCHOOL DISTRICT NO. R-1 ("School District") and COMMUNITY INVOLVED CHARTER SCHOOL ("CICS").

## RECITALS

WHEREAS, the Colorado General Assembly has enacted the Charter Schools Act ("Act"), C.R.S. SS 22-30.5-101, et sea., for certain purposes as enumerated in SS 22-30.5-102(2) and (3); and

WHEREAS, on January 14, 1994, an Application (attached and incorporated as Exhibit **A**) was submitted by the Administrative Steering Committee of CICS for formation of CICS as a charter school to operate within the School District; and

WHEREAS, the School District's Board of Education ("Board") has determined that the Application submitted to the School District for the formation of CICS as a charter school, as amended herein, complies with the purposes and requirements of the Charter Schools Act; and

WHEREAS, by Resolution adopted March 17, 1994, the Board conditionally granted the Application contingent upon the negotiation and execution of a contract acceptable to CICS and the School District and subject to certain other conditions; and

WHEREAS, the Act contemplates that the Application, as amended by a contract, between CICS and the School District, will constitute the agreement between the parties regarding the governance and operation of CICS; and

WHEREAS, CICS seeks certain waivers from and clarifications of Board policy and/or state law; and

WHEREAS, the School District has the authority to waive only those Board-approved policies and/or regulations to the extent permitted by law; and

WHEREAS, the authority of the State Board of Education to provide waivers from requirements of state law only extends to provisions contained in Title 22 of the Colorado Revised Statutes;

NOW, THEREFORE, in consideration of the foregoing Recitals and the mutual understandings, releases, covenants and payments herein described, the parties agree as follows:

## AGREEMENT

1. Mission Statement: The mission of CICS, as described on pp. 3-5 and 9 of CICS's Application, is hereby accepted by the School District to the extent it is consistent with the principles of the General Assembly's declared purposes for enacting the Charter Schools Act as set forth in C.R.S. 22-30.5-102(2) and (3).

2. Goals, Objectives and Pupil Performance Standards: The goals, objectives and pupil

performance standards set forth on pp. 10-12 of the Application are hereby accepted by the School District, as amended, and subject to the conditions set forth below:

a. Student Attendance, Conduct and Discipline: CICS agrees that it shall comply with all Board-approved policies and regulations concerning student attendance, standards of conduct and discipline. CICS's procedures shall provide that appeal in student discipline cases shall be to the Governing Board of CICS, rather than to the Board of Education of the School District.

(i) Attendance of students at CICS shall be in compliance with Colorado's compulsory attendance laws, including, without limitation, hour requirements and the distinction made between excused and unexcused absences.

(ii) CICS may adopt its own code of conduct for students and shall be granted a waiver from corresponding School District policies as long as the developed codes, policies and procedures regarding student conduct and student discipline are in compliance with applicable federal and state laws, including, without limitation, the grounds and procedures established by state statute for suspending, expelling or denying admission to a student.

b. Student Welfare and Safety: CICS shall comply with all Board-approved policies and regulations, and comply with all applicable federal and state laws, concerning student welfare, safety and health, including, without limitation, Board policies and laws addressing the reporting of child abuse, accident prevention and disaster response, and any state regulations governing the operation of school facilities.

c. Academically Low Achieving Students: CICS shall identify academically low achieving students and shall provide its educational program to these students in a manner that best serves their needs, as outlined in the procedures set forth in the Application.

3. Community Support: The Board finds that sufficient support for the formation of CICS exists, as evidenced by pp. 7-8 of the Application and the letters of support from parents, students, teachers and community members.

4. Statement of Need: The Board has determined that pp. 5-8 of the Application sufficiently establishes a need for additional educational choice within the School District and that the proposed charter school program would serve that need in a manner which is in the best interests of the school community.

5. Educational Program, Pupil Performance Standards and Curriculum:

a. Curriculum. The School District agrees to waive its curricular requirements, to the extent permitted by state law, but subject to the implementation by CICS of its instructional programs as outlined in its Application, as amended herein.

(i) CICS shall have the authority and responsibility of designing and implementing its educational program, subject to the conditions of this Contract, in a manner which is consistent with state law, including, without limitation, requirements regarding content standards.

(ii) The educational program, pupil performance standards and curriculum designed and implemented by CICS shall meet and exceed any content standards adopted by the School District and shall be designed to enable each pupil to achieve such standards.

(iii) CICS agrees to comply with all state statutory requirements concerning subjects of instruction, unless specifically waived by the State Board of Education, including, without limitation, instruction in the areas of state and federal history and civil government, C.R.S. S 22-1-104; honor and use of the United States Flag, C.R.S. S 22-1-106; the federal constitution, C.R.S. S 22-1-108; and the effect of use of alcohol and controlled substances, C.R.S. S 22-1-110.

(iv) The Board agrees to waive the requirement of Board Policy IFR that curriculum and instructional materials be approved by the School District Curriculum Council prior to implementation, provided that such curriculum and materials meet or exceed content standards adopted by the School District.

(v) CICS shall establish a process for resolving public complaints, including complaints regarding curriculum, which provides an opportunity to be heard and an appeal process similar to current School District policies and procedures, except that the final administrative appeal shall be heard by the Governing Board of CICS, rather than the Board of Education of the School District.

b. Records.

(i) CICS agrees to comply with ail recordkeeping requirements of the Board and/or federal or state law and shall provide any reports, as necessary, to meet the School District's reporting obligations to the State Board and Colorado Department of Education. Student records include, without limitation, immunization records, class schedules, records of academic performance, disciplinary actions, attendance and standardized test results and documentation required under federal and state law regarding the education of students with disabilities.

(ii) CICS shall comply with all Board-approved policies and regulations, and applicable federal and state laws, concerning the maintenance, retention and disclosure of student records, including, without limitation, the Colorado Open Records Law, C.R.S. SS 24-72-204, et sea., and the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 5 1232g.

c. Nonreligious, Nonsectarian Status. The educational program of CICS shall be nonreligious, nonsectarian and shall not discriminate against any student on the basis of race, creed, color, sex, national origin, religion, ancestry, disability or need for special education services.

d. Open Enrollment. Enrollment shall be open to any child who resides within the School District, subject to CICS's total enrollment limitations as contained in the Application. Students enrolling in CICS are subject to the School District's open enrollment policy and regulations, except that the March 1 deadline for applications is not applicable for the 1994-95 school year.

e. Admissions. Admission of students to CICS shall be determined in accordance with School District policy regarding enrollment in charter and educational option or alternative schools. Students who reside outside of the School District shall not be admitted to CICS until all applicants who reside in the School District and who qualify for admission have been enrolled.

f. Education of Students with Disabilities. CICS agrees to comply with all Board-approved policies and regulations and the requirements of federal and state law concerning the education of children with disabilities.

g. Tuition. Tuition shall not be charged to students who reside in the School District, other than for before and after school programs administered by CICS. Nonresident students may be admitted pursuant to Board-Policy JECB, and tuition charges for nonresident students shall be charged at the School District's regular nonresident tuition rate.

h. Post-Secondary Enrollment Options. Where a student of CICS seeks enrollment at an institution of higher education, pursuant to the Post-Secondary Enrollment Options Act, C.R.S. 22-35-101, et sea., CICS shall be responsible for entering into a cooperative agreement with the institution of higher education and for payment of tuition under such agreement.

> i. CICS students may participate in nonacademic activities at other schools in the School District, provided that the prerequisites for participation are met and there is space available in the desired activity or program. Where such participation requires payment of a fee, the CICS student or CICS shall be responsible for payment of the fee. CICS students shall not be eligible for enrollment in academic courses at other schools on a part-time basis.

6. Evaluation of Pupil Performance and Procedures for Corrective Action: The Board approves CICS's methods for evaluating pupil performance and procedures for corrective action contained in pp. 15, 20-21 and Appendix A of the Application, as amended herein, and subject to the conditions below and otherwise set forth in this Contract:

a. Suspension or expulsion of students from the academic program shall be in accordance with School District policies and applicable federal and state law.

b. Transfer of students from CICS to another school in the School District shall be accomplished in accordance with School District Policy JECC and its accompanying regulation.

c. The Board approves CICS's proposal for assessment of student performance as set forth on pp. 20-21 and Appendix A of the Application, and CICS agrees to cooperate with the School District and its administrators to coordinate testing with the School District's statistical needs.

7. Economic Plan, Budget and Annual Audit: Appendix D of the Application is amended as follows, which amendments, and all other provisions of this Contract, shall supersede and control over any conflicting language contained in the Application.

a. Funding.

> (i) During the 1994-95 school year, the School District shall provide funding to CICS in the amount of eighty-five percent (85%) of the School District per pupil operating revenues ("PPOR"), as defined by C.R.S. 22-54-103(9), for each funded pupil enrolled in CICS. Enrollment data as of Nay 20, 1994, shall be used to determine initially funding for the 1994-95 school year.

For subsequent school years, funding shall be initially determined based on enrollment as of April 1. So long as CICS is not in material breach of this Contract, this funding will be made available to CICS in monthly installments, commencing on July 20. The term funded pupil, as used in this provision, shall be deemed to mean enrolled as of the counting dates or periods set forth in the Public School Finance Act of 1994, C.R.S. SS 22-54-101, et sea., or corresponding provisions in any successor acts, and State Board of Education regulations.

(ii) The School District will adjust the funding to reflect the actual funded pupil count as of October 1. In addition, to the extent the School District experiences any reduction or increase in state equalization support by a legislative rescission or other action, proportionate reductions or increases will be made to CICS by adjustment or set off in subsequent months.

(iii) On or before February 1 of each year of the Charter, CICS and the School District will begin negotiations concerning funding for the ensuing fiscal year in order that the amounts may be determined in conjunction with the School District's and CICS's budget development and adoption process. It is acknowledged that in future fiscal years, funding may be more or less than 85% of the School District's PPOR, but it is agreed that the amount of funding provided to CICS from the School District shall not be less than eighty percent (80%) of the School District's PPOR, as defined by C.R.S. S 22-54-103(9), or corresponding provisions in any successor acts, multiplied by the number of funded pupils enrolled in CICS. The parties also acknowledge that the intent of the Charter Schools Act is that funding and service agreements under this contract be neither a financial incentive or disincentive to establishment of a charter school.

(iv) It is the intent of the School District that CICS receive a proportionate share of funding provided by the federal and state governments for special education, gifted and talented students and other federal and state grant sources, to the extent that CICS complies with the conditions and requirements of such grants and applicable law, and fulfills the reporting requirements under such grants. The proportionate share of state and federal resources generated by CICS students with disabilities, or the staff serving them, shall be directed to CICS. A proportionate share of moneys generated under other federal or state categorical aid programs shall be directed to CICS for each CICS student eligible for such aid. Direction of such federal and state resources or categorical aid shall be contingent upon demonstration by CICS that it is in compliance with federal and state statutes and regulations regarding entitlement to such reimbursement, which demonstration shall be sufficient to permit the School District to claim reimbursement on its end-of-year report to federal and state agencies. Prior to receipt of such funds, CICS shall provide to the School District assurances that it will comply with various federal statutes, which assurances are required of recipients of federal funds for special education and categorical aid. CICS shall provide the School District with data necessary to complete such claims, including, without limitation, evidence that special education service providers meet educational, certification or licensing requirements of state law and documentation of the nature and duration of services provided for each student with disabilities by such service providers. Although such resource and categorical aid are provided by state and federal agencies as reimbursement following the school year in which the expenses incurred, the School District agrees that CICS may request reimbursement on a quarterly basis. Within thirty (30) days of submission of data satisfactory to the School District for its reporting purposes, the School District will provide reimbursement to CICS.

(v) Enrollment data for any given year of the charter, including, without limitation, significant increases or decreases in enrollment, shall be considered in negotiating funding for the subsequent fiscal year.

b. Budget. The 1994-95 Budget set forth in Appendix D of the Application is amended as follows:

(i) The per pupil funding to be provided by the School District shall be in accordance with paragraph 7a above.

(ii) CICS shall be responsible for all costs associated with its school operations, including the cost of contracting for goods and services. The following services shall be provided to CICS by the School District during the initial fiscal year of this Contract in accordance with the Schedules noted: payroll, accounting, computer linkage, business services, accounts payable (but not accounts receivable) and purchasing (Schedule 1); insurance (Schedule 2) and employee benefits and personnel services (Schedule 3). In addition, through separate agreement set forth as an Addendum to this Contract, CICS may purchase at cost the following: services for the repair and maintenance of equipment and facilities; food service; leasing of School District vehicles; use of the film/video library; staff development activities; printing and copying services; and services for the preparation of specifications, conduct of the bidding process and evaluation of goods and services outside of the ordinary purchase of supplies and materials through the School District warehouse process.

(iii) At no charge to CICS, the School District will provide legal services through the School District's legal counsel, for defense of suits, actions and claims against CICS, including special education due process hearings and appeals, and actions for which the School District provides insurance coverage in accordance with Schedule 2. Such legal services shall not be provided for defense of matters involving worker's compensation, unemployment compensation or disputes with the School District. The provision of a defense is conditioned upon prompt notification by CICS to the School District of all claims, including threatened or reasonably anticipated claims or actions; full cooperation with the School District and legal counsel in defending the claim and CICS not compromising, settling, negotiating or otherwise similarly dealing with the claim without the express consent of the Board of Education. CICS acknowledges that in the event of a dispute between CICS and the School District, the School District's legal counsel will represent the School District and not CICS. CICS shall have access to legal consultation and advice where such assistance is requested through CICS's Cabinet representative, and where the School District determines that such assistance is appropriate.

(iv) On or before May 15 of each year, CICS shall submit to the Board for its approval, CICS's proposed budget for the upcoming school year. For the 1994-95 school year, CICS shall reallocate revenue and expenditures to reflect the eighty-five percent (85%) PPOR to be provided by the School District. A revised budget in School District format shall be submitted on or before June 1, 1994.

c. Financial Records and Annual Audit. CICS agrees to establish, maintain and retain appropriate financial records in accordance with all applicable federal, state and local laws, rules and regulations, and to make such records available to the School District, as requested, from time to time. CICS agrees to participate in the School District's annual audit by a certified public accountant of its financial and administrative operations. The incremental cost to the School District attendant to inclusion of CICS in the audit shall be borne by CICS. Alternatively, CICS may elect to retain a certified public accountant to conduct the audit, provided that the audit meets School District and Colorado Department of Education requirements.

8. Governance and Operation: The nature and extent of parental, professional educator and community involvement in the governance and operation of CICS and set forth through the Application is accepted by the Board to the extent permissible under federal and state law and subject to all conditions of this Contract, including, without limitation, the amendments set forth in paragraph 9 below. In addition, the Application is amended as follows, which amendments, and all other provisions of this Contract, shall supersede and control over any conflicting language contained in the Application:

a. Corporate Status. CICS agrees to incorporate, at its own expense, as a Colorado nonprofit corporation. Prior to filing with the Secretary of State, the Articles of Incorporation shall be provided by CICS to the School District for approval. Such Articles shall include a provision specifying that upon dissolution, voluntary or otherwise, assets not requiring return or transfer to donors or grantors or required for discharge of existing liabilities and obligations of CICS shall be returned to the School District. Unless a donor or grantor specifically provides otherwise, all gifts, donations and grants are assumed to be to the charter school, and shall be included among the assets returned to the School District upon dissolution.

b. Conflict of Interest. Members of the Governing Board of CICS shall comply with Board policies and regulations regarding Board member ethics and conflict of interest.

c. Nonreligious, Nonsectarian Status. CICS agrees that it shall operate, in all respects, as a nonsectarian, nonreligious, non-home-based public school. CICS shall not be affiliated with any nonpublic sectarian school or religious organization.

d. Commitment to Nondiscrimination. CICS shall comply with all applicable federal, state and local laws, rules and regulations, including, without limitation, statutory and constitutional provisions prohibiting discrimination on the basis of disability, age, race, creed, color, sex, national origin, religion or ancestry.

e. Accountability. CICS shall be accountable to the School District and subject to all Board approved policies and regulations unless specifically waived. CICS agrees to participate in the School District accountability process in accordance with Board Policy BCFB. All records established and maintained in accordance with the provisions of this contract, Board policy, and federal and state law shall be open to inspection by the School District.

f. Open Meetings Law. CICS agrees that it is subject to the provisions of the Colorado Open Meetings Law, C.R.S. 24-6-401 et seq., and that it will comply with the provisions of such law in connection with all of its activities.

g. Indigent Students. CICS shall waive all fees for indigent students in accordance with Board Policy JN, its accompanying regulation and applicable federal and state law. CICS shall survey its student population for eligibility for free and reduced lunches under federal guidelines in accordance with State Board of Education regulations. On all fee lists and schedules, CICS shall include notification of the policy of waiver of fees for indigent students.

h. Operational Powers. Subject to the conditions and provisions of this Contract, CICS shall be fiscally responsible for its own operations within the limitations of any funding provided by the School District and other revenues derived by CICS consistent with law.

(i) CICS shall have authority to exercise independently, also consistent with federal and state law, the following powers (including such other powers as provided for elsewhere in this Contract and in the Application to the extent consistent with this Contract): contract for goods and services; prepare a budget; select personnel and determine their compensation; procure insurance; lease facilities for school purposes; purchase, lease or rent furniture, equipment and supplies; retain fees collected from students in accordance with law; and accept and expend gifts, donations or grants of any kind in accordance with such conditions prescribed by the donor as are consistent with law and not contrary to any of the terms of this Contract.

(ii) CICS shall comply with applicable provisions of Article X, Section 20, of the Colorado Constitution. CICS shall not enter into any agreement or contract that gives rise to a multiple-fiscal year direct or indirect debt or other financial obligation whatsoever on the part of CICS without the prior express written consent of the School District.

(iii) In exercising its powers, CICS shall comply with all applicable Board approved policies unless a specific waiver is obtained. CICS shall furnish to the Board copies of all written policies or procedures it may develop with respect to any matter relating to its operations and educational program upon adoption of such policies by CICS's Governing Board.

(iv) CICS shall clearly indicate to vendors and other entities and individuals outside the School District with which or with whom CICS enters into an agreement or contract for goods or services that the obligations of CICS under such agreement or contract are solely the responsibility of CICS and are not the responsibility of the School District.

(v) All gifts, donations and grants shall be reported by CICS to the School District by recording the same in the financial records required under Section 7(c). CICS shall obtain approval from the Board of Education prior to the acceptance of any gift, donation or grant in excess of ten thousand dollars ($10,000).

i. Waivers. CICS has been granted certain waivers from Board approved policies and/or regulations. In addition, CICS has proposed requests for waivers from certain state laws from the State Board of Education and the Board has agreed jointly to request waivers of certain such laws. The waivers from Board policies, and the conditions therefore, and the waivers from state law to be requested jointly, are set forth in attached Exhibit B, which is hereby incorporated into this Contract.

j. Bidding Requirements. Unless purchased from or through the School District, contractual services and purchases of supplies, materials and equipment shall be procured through a system of competitive bidding, as required by Board policy and state law.

k. Periodic Review of Financial Enrollment. and Program Development Status. CICS shall be subject to a review of its operations and finances by the Board or a designee as of November 1 and March 1 of each year. CICS shall, on November 1 and March 1 each year, provide to the School District a brief written report concerning its operations, including, without limitation, progress made towards its educational goals and objectives, policy development issues, student attendance and student discipline information, and personnel matters.

l. Term. It is the intent of the Board of Education of the School District that the Charter and this Contract are to be effective as of the date first written above for a period of three (3) fiscal years (1994-95, 1995-96 and 1996-97), and to terminate on June 30, 1996. Although this Contract is for operation of CICS as a charter school in the School District for a period of three years, any financial commitment on the part of the School District contained in this Contract is subject to annual appropriation by the Board of Education and the parties agree that the School District has no obligation to fund the financial obligations under this Contract other than for the current year of the contract term; that the School District has not irrevocably pledged and held for payment sufficient cash reserves for funding CICS at or above eighty percent of the School District PPOR or for providing services described herein for the entire term of the Contract. Renewal of the charter may be sought by CICS in accordance with C.R.S. 22-30.5-110(2).

m. Termination. This Contract may be terminated, and the Charter revoked by the Board, for any of the grounds provided by state law, C.R.S. SS 22-30.5-110(3) and (4), and/or for any material breach of this Contract, upon thirty (30) days' advance written notice being given to CICS. Should CICS choose to terminate this Contract and revoke its Charter before the end of the Contract term it may do so with the Board's approval, at any time, upon thirty (30) days' advance written notice. In the event of termination, all assets not requiring return or transfer to donors or grantors or required for discharge of existing liabilities and operations of CICS shall be returned to the School District. Unless a donor or grantor specifically provides otherwise in writing, all gifts, donations and grants shall be assumed to be made to the charter school and shall be included among the assets returned to the School District upon termination of this Contract.

n. Dissolution. In the event CICS should cease operations for whatever reason.

including the nonrenewal or revocation of its charter, or dissolution of the nonprofit corporation established pursuant to paragraph 8(a) above, it is agreed that the Board shall supervise and have authority to conduct the winding up of the business and affairs of CICS; provided, however, that in doing so, the School District does not assume any liability incurred by CICS beyond the funds allocated to it by the School District under this Contract. The School District's authority hereunder shall include, but not be limited to, the return and/or disposition of any assets acquired by purchase or donation by CICS during the time of its existence. All assets not requiring return or transfer to donors or grantors or required for discharge of existing liabilities and obligations of CICS shall be returned to the School District.

9. Employment Matters: The guidelines set forth on pp. 8-9, 16-18 and Appendices B and C of the Application concerning employment matters such as employee relationships, job descriptions, and terms and conditions of employment are accepted by the School District, and shall supersede the requirements of any Board approved policies or regulations, to the extent permitted by law, and subject to the following conditions in addition to all other provisions of this Contract:

a. Hiring of Personnel. Personnel may be selected by CICS subject to compliance with all federal and state rules and regulations, including, without limitation, requirements concerning the recruitment of applicants and the use of background and criminal checks, unless a specific waiver is obtained from the State Board of Education or other proper authority. CICS shall not place an employee under the direct supervision of, nor shall an employee be evaluated by a member of the employee's immediate family. The Governing Board of CICS may terminate the employment of any personnel so long as such employees are not terminated for constitutionally impermissible reasons.

b. Employee Compensation, Evaluation and Discipline. The School District agrees to waive all Board approved policies and regulations concerning the compensation, evaluation, promotion, discipline and termination of the employment of CICS employees subject to compliance with all state rules and regulations, unless specific waivers are obtained from the State Board of Education.

(i) The Governing Board of CICS shall be independently responsible for the supervision and evaluation of the teaching staff within CICS, as prescribed by the Application.

(ii) CICS shall adopt its own written policies in compliance with federal and state law, concerning the recruitment, promotion, discipline and termination of personnel; methods for evaluating performance; and a plan for resolving employee-related problems, including complaint and grievance procedures. Final administrative appeals in matters regarding employment and employee discipline shall be determined by the Governing Board of CICS and not the Board of Education.

(iii) CICS shall notify the School District and other appropriate authorities, in accordance with state law, of discipline of CICS employees arising from misconduct that brings direct harm to students or others or from violations of law or policy.

c. Payroll. Employees shall be paid through the payroll department of the School District using its procedures for recording employee work hours, overtime, absences, leaves, vacation and other adjustments, as supplemented or modified by written agreement between the parties.

d. Benefits. CICS may purchase on behalf of its employees coverage under health, dental and vision insurance coverage available to School District employees, at cost, in accordance with Schedule 2.

e. PERA Membership. All CICS employees shall be members of the Public Employee's Retirement Association and subject to its requirements. CICS shall be responsible for the cost of the School District's/employer's respective share of any required contributions.

f. Equal Opportunity Employer. CICS affirms that it shall not discriminate against any employee on the basis of race, creed, color, sex, national origin, religion, ancestry, age or disability in its recruitment, selection, training, utilization, termination or other employment related activities.

g. Employee Welfare and Safety. CICS shall comply with all Board approved policies, and applicable federal and state laws, concerning employee welfare, safety and health issues, including, without limitation, the requirements of federal law for a drug free workplace.

h. Employee Records. CICS shall be responsible for establishing and maintaining personnel records for its employees in compliance with all Board approved policies and regulations, and applicable federal and state laws, concerning the maintenance, retention and disclosure of employee records, including, without limitation, the requirements of the Colorado Open Records Law, SS 24-72-204 et seq. CICS shall provide to the School District the employee identification data necessary for the payroll process and state reporting.

i. Employee Conflicts of Interest. All CICS employees shall comply with the Board's policies and regulations, and applicable state law, concerning staff conduct and staff conflicts of interest.

j. School District Teachers. Current teachers of the School District who are selected for employment by CICS are eligible for a one year leave of absence from their employment with the School District, consistent with state law, and may be eligible for two additional one year leaves of absence upon mutual agreement of the teacher and the School District. Such leaves shall commence on the day following the last day of service to the School District required under the teacher's current contract and shall end on the first day of the teacher's provision of services upon the teacher's return to the School District. Leave for teachers will not be approved to commence prior to the completion of services by the teacher under the teacher's current contract with the School District. A request for return to the School District during the term of the leave may be granted by the School District at its sole discretion. The status of any teacher in the School District employed by CICS and on an approved leave from the School District shall not be affected by such employment, however, the teacher will not be eligible to move vertically on the School District's salary schedule. A probationary teacher shall not acquire nonprobationary status in the School District or accrue credit toward nonprobationary status with the School District based on employment with CICS while on approved leave. The period of time during which a teacher is on approved leave for employment with CICS shall not be credited as continuous service. Upon returning to the employment of the School District, CICS teachers in good standing will be guaranteed a position with the School District, although not necessarily in the same position as he or she previously held. A probationary teacher whose contract with the School

District is nonrenewed prior to the commencement of services to CICS will not be provided a position in the School District upon completion of employment with CICS.

10. Insurance and Legal Liabilities: The Application is amended as follows which amendments shall supersede and control over any conflicting language contained in the Application.

a. Insurance. It is agreed that during the initial term of this Contract, the School District will provide insurance coverages as set forth in Schedule 2, attached and incorporated into this Contract, which are consistent with the coverages available to the School District itself. CICS agrees that it will coordinate all risk management activities through the School District's risk management office. this will include the prompt reporting of any and all pending or threatened claims, filing of timely notices of claim, cooperating fully with the School District in the defense of any claims and complying with the defense and reimbursement provisions of the Colorado Governmental Immunity Act and the School District's applicable insurance policies. CICS shall neither compromise, settle, negotiate nor otherwise affect any disposition of potential claims asserted against it without the School District's prior written approval.

b. Legal Liabilities. CICS shall operate in compliance with all Board approved policies and regulations and all applicable federal, state and local laws, rules and regulations, unless specifically waived as indicated in attached Exhibit B or unless such waiver is obtained from the proper authority pursuant to the procedures of paragraph (i) below subsequent to the execution of this Contract.

(i) Waiver. Waivers from specific Board approved policies or regulations and/or state law may be requested by CICS by submitting such a request, in writing, to the School District's Superintendent. The request shall include the reasons why CICS is in need of or desires the waiver. The Superintendent shall have ten (10) school days to review the request and, thereafter, will present the matter before the Board at its next regular meeting. Waivers of Board approved policies and regulations may be granted only to the extent permitted by state law. In the event the School District policy or regulation from which CICS seeks a waiver is required by state law, or where CICS otherwise requests release from a state regulation, the School District agrees to jointly request such a waiver from the State Board of Education, if the School District's Board first approves the request.

(ii) Faith and Credit. CICS agrees that it will not extend the faith and credit of the School District to any third person or entity. CICS acknowledges and agrees that it has no authority to enter into a contract that would bind the School District and that CICS's authority to contract is limited by the same provisions in law or Board policy that apply to the School District itself. CICS also is limited in its authority to contract by the amount of funds obtained from the School District, as provided hereunder, or from other independent sources. CICS's Governing Board shall hereby be delegated the authority to approve contracts to which CICS is a party, subject to the requirements and limitations of the Colorado constitution, state law, Board approved policies and the provisions of this Contract.

(iii) Indemnification. To the extent not covered by insurance or otherwise barred by the Colorado Governmental Immunity Act, CICS agrees to indemnify and hold the School District, its Board, agents and employees harmless from all liability, claims and demands on account of injury, loss or damage, including, without limitation, claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage or any other losses of any kind whatsoever which arise out of or are in any manner connected with CICS's operations. The foregoing provision shall not be deemed a relinquishment or waiver of any kind of applicable limitations of liability provided by the Colorado Governmental Immunity Act.

11. Transportation. The School District and CICS acknowledge and agree that transportation will not be provided to students attending CICS. If CICS subsequently determines to provide transportation during the term of this contract, CICS may contract with the School District for transportation services at cost, by separate written agreement as an addendum to this Contract.

12. Miscellaneous Provisions.

a. Entire Agreement. This Contract, with attachments, contains all terms, conditions and provisions hereof and the entire understandings and all representations of understandings and discussions of the parties relating thereto, and all prior representations, understandings and discussions are merged herein and superseded and canceled by this Contract.

b. Amendment. This Contract may only be modified or amended by further written agreement executed by the parties hereto.

c. Notice. Any notice required, or permitted, under this Contract, shall be in writing and shall be effective upon personal delivery (subject to verification of service or acknowledgement of receipt) or three (3) days after mailing when sent by certified mail, postage prepaid, to the Office of the Executive Committee, in the case of notice being sent to CICS, or to the Office of the Superintendent for notice to the School District.

d. No Waiver. The parties agree that no assent, express or implied, to any breach by either of them of any one or more of the covenants and agreements expressed herein shall be deemed or be taken to constitute a waiver of any succeeding or other breach.

e. Dispute Resolution. In the event any dispute arises between the School District and CICS concerning this Contract, including, without limitation, the implementation of or waiver from any policies, regulations or procedures, such dispute shall first be submitted to the Superintendent of the School District or his designee for review. Thereafter, representatives of the School District and CICS shall meet and attempt in good faith to negotiate a resolution of the dispute. In the event these representatives are unable to resolve the dispute informally pursuant to this procedure, they shall submit the matter to the Board for its consideration. The decision of the Board shall be final; provided, however, CICS may appeal to the State Board of Education concerning those matters within its jurisdiction under the Act.

f. Applicable Law. The parties intend that where this Contract references federal or state law that they be bound by any amendment to such laws, upon the effective date of such amendments.

g. Invalidity. If any provision of this Contract is determined to be unenforceable or invalid for any reason, the remainder of the Contract shall remain in effect, unless otherwise terminated by one or both of the parties in accordance with the terms contained herein.

IN WITNESS WHEREOF, the parties have executed this Contract as of the date first above written.

COMMUNITY INVOLVED CHARTER SCHOOL
by: President Governing Board

ATTEST: Secretary

JEFFERSON COUNTY SCHOOL DISTRICT NO. R-1
by: President Board of Education

ATTEST: Secretary

APPROVED AS TO FORM AND CONTENT:
by: School District Attorney

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## Schedule 1

## CHARTER SCHOOL CONTRACT
### Business Services

The School District will provide the following business services at no cost to CICS:

(1) payroll functions for CICS similar to those provided for other employees of the School District, including the preparation of W-2's and other reports that are required by state or federal law to be given to employees or filed with such agency. Employees will be paid once per month on the last working day of the month, and checks will be printed on School District check stock. When School District schools are in session, checks will be delivered to CICS. At other times, checks will be mailed to employees' home addresses. W-2's will be issued with the District's federal and state employer identification numbers. It is the responsibility of CICS to maintain all time and attendance reporting and leave data, including accruals, usages and balances. CICS shall be responsible for certifying all payroll information to the School District in compliance with timelines that allow for the sequential processing of all employees' data and the preparation of payroll checks consistent with School District requirements.

(2) An office computer terminal and connection to the School District's main frame computer and training for the use of School District accounting and computer systems. Any computer services in addition to the office terminal and connection and training may be provided to CICS at cost.

(3) Mail delivery will be provided by the School District to CICS.

(4) Access to the School District purchasing system, including the obtaining of goods at School District prices and delivery from the School District's warehouse, for routine supplies and materials.

All other purchasing services, including, without limitation, the preparation of specifications, conduct of the bidding process and evaluating goods and services may be purchased by CICS at cost, through a separate written agreement as an addendum to the Contract between CICS and the School District.

(5) Use of surplus furniture, materials and books on the same basis as is available to other schools in the School District.

CICS staff may participate in School District staff development activities and programs on the same basis as staff employed by the School District. Where a fee is required for School District staff, such fee shall be paid by Sci-Tech.

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## Schedule 2

## CHARTER SCHOOL CONTRACT
### Insurance

To the extent permitted by its policies currently in force, the School District agrees to include CICS as a named insured in the School District's coverages for acquisition of property, liability (including professional liability), and crime coverages. The School District also agrees to secure bonding for CICS personnel in accordance with the requirements of law and school District policy. The School District shall have the full authority to purchase the insurance, administer the claims, as well as provide loss control management of CICS insurance exposures. Coverages for worker's compensation and unemployment insurance are the responsibility of CICS.

For the first year of the charter, the coverages to be provided, as set forth above, and bonding of CICS personnel will be provided to CICS by the School District without charge. For subsequent school years, if the loss experience of CICS is sufficient to result in an increased expense to the School District for its insurance coverages, such coverages will be provided at a cost negotiated between CICS and the School District.

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## Schedule 3

## CHARTER SCHOOL CONTRACT
### Employee Benefits and Personnel Services

Employees of CICS shall be eligible for health, dental and vision benefits consistent with the same eligibility requirements and benefits made available from time to time for other School District's certificated and classified employee groups.

CICS will pay or reimburse the School District through appropriate funds or account transfer, the cost of providing these benefits to each employee at CICS, based upon the pro rata cost attributable to comparable employees of the School District. In the event CICS requires payment by or reimbursement from any employees for any benefits provided, the risk of uncollectibility shall be borne by CICS.

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# General Session: Business Plan

**Key Issues:**

1. Necessity of a business plan
2. Developing a business plan
   a. Start-up financing (planning stage)
   b. Operational stage—sources of funding, fundraising, federal support, Per Pupil Expenditure (PPE)
3. Development of a 3-5 year budget/plan

**Goals:**

1. Participants will have a basic understanding of financial planning and budget development
2. Participants will understand the necessity for a comprehensive business plan
3. Participants will understand the basics of what should be in a budget
4. Participants will understand the difference between planning and operation
5. Participants will be able to identify sources of funding
6. Participants will be able to conceptualize a five year plan

**Instructional Resources:**

Charter Friends National Network. (1998). Guide for developing a basic business plan for charter schools. [Online]. Available: http://www.csus.edu/ier/charter/bizpl.htm

U. S. Charter Schools. (1997). Budget and Finance. [Online]. Available: http://www.uscharterschools.org/tech_assist/ta_finance.htm

Pioneer Institute for Public Policy Research. (1997). Chapter 9: Finances and budgeting. In The Massachusetts charter school handbook. Third Edition. (pp. 45-58).

Charter Friends National Network. (1998). Chicago's charter schools financial spreadsheet. In A sourcebook for organizers of charter school planning workshops. (pp. 6b2-6b7).

Jefferson Academy Charter School. Jefferson Academy income, expense and budget statement as reflected by district for year ending 1994-95 (Audited). Jefferson County, Colorado.

**Additional Resources:**

Example budget from Douglas County School District—Core Knowledge Charter School

Budget Development and Financial Management - Sample Materials, Charter School Leadership Academy, Portland, OR: 1998.

**Session Structure:**

1. General outline of budget and business plan
2. Importance of a business plan
3. Components of a business plan
    a. Income and expenses
    b. Planning stage, operational stage, monthly cash flow, 5-year business plan
4. Integrated hands-on practice with either
    a. School's own actual budget
    b. A sample budget

# Curriculum Outline for:
# General Session: Business Plan

I. **Importance of a Budget and the Development of a Business Plan**
   - A. Relate back to reality check—What do we want to be and what is really available/feasible?

   - B. What is the budget?
     1. Financial planning document
     2. A reality check—it controls what the school can and can't do
     3. Reflection of priorities—or a tool for setting priorities and identifying critical areas
     4. Reflection of the vision and mission and direction of the school—the move from the abstract to the concrete

   - C. General considerations
     1. What does the curriculum require?
     2. Is the budget in line with the vision?
     3. What type and how many students does the school's budget require?
     4. Realization of actual enrollment marketing plan—enrollment equals money
     5. Building availability, location, and costs
     6. Special education costs, other curriculum costs, other operational costs

II. **Components of a Budget**—the beginnings of a business plan
   - A. Income and expenses
     1. Sources of income
        - a. Per pupil expenditures (PPE, ADA, ADM…)—district amount
        - b. Federal entitlements (Title I, VII)—categorical funding
        - c. Grants—including start up grants, business partnerships, school to work, and others
        - d. Loans—but be wary of going into debt
        - e. Student fees—be careful about what can legally be assessed
        - f. Other—such as "in kind" from local business, partnerships
     2. Sources of expenses
        - a. Student costs (classroom supplies, education materials, instructional equipment, computers, field trips)
        - b. Personnel costs (salaries, benefits—administration, staff, aids)
        - c. Facilities (physical plant, custodial and maintenance, building expenses)
        - d. Office supplies
        - e. Loan repayments

III. **Budget Development**

A. Planning stage/Pre-operational (goal—prepare the school to be ready to open as scheduled)
  1. Pre-charter (writing the application and preparing the budget) and post-charter (hiring, obtaining equipment, marketing, and utilities)
  2. Planning stage income
    a. Start-up grants (state and federal)
    b. Loans
    c. Other grants, funds, donations
  3. Planning stage expenses
    a. Writing application
    b. Preparing the budget
    c. Hiring
    d. Equipment (chalk, blackboards, furniture, technology)
    e. Marketing and development
    f. Utilities

B. Operational stage
  1. Annual operating budget—general budget comparing income and expenses for the first year
    a. Income
      1. Enrollment
      2. Capacity grants
      3. Categorical funding
      4. Loans
      5. Other state grants, other projects, other funds
    b. Expenses
      1. Student costs
        -Books, equipment, and other supplies
        -Technology
        -Special education
        -Food, transportation, and other activities
      2. Personnel costs
        -Salaries and benefits for administration, staff, and support staff
        -Staff development
        -Union considerations
      3. Facilities (physical plant)
        -Utilities
        -Lease
        -Maintenance and renovations
      4. Offices (furniture, computers, other equipment)
      5. Loans or other expenses

2. Monthly cash-flow budget
    a. Use the same categories developed in the annual budget applied in a monthly or quarterly fashion
    b. Monthly budget will highlight sources for money and where expenditures are made
3. Develop a five-year plan
    a. Use as a strategic plan
    b. Use the same categories developed in the annual budget incorporated over five years
    c. Five-year plan will highlight planned growth and development of the school

**Suggestions for thinking about the budget:**

1. Access the talents of the district, the governing board, district management office
2. Consider having insurance/liability with the district or contract with district for services
3. Reduce expenditures
4. Don't bash the school district

**This guide may be used as a helpful tool when developing a business plan for the charter school. It not only may be used as a management tool for the school developers themselves, but may also be used when approaching the**

**financial community while seeking traditional or non-traditional**

**financing, or contributions and support.**

**Developed by the Charter Friends National Network**

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## A Basic Business Plan for Charter Schools

The charter school business plan is a management tool. When developed and used properly, it is one of the most effective communication tools used to obtain grants or loans for your charter school whether it comes from traditional lenders or the philanthropic community. It also can assist the school developer(s) in achieving his/her goals by identifying financial needs and/or problems early in the school planning process. The charter school business plan should reflect the school's developers' ideas clearly and succinctly and/or could be a component of a larger school wide strategic plan that addresses the school's short and long-term plans in more detail. (Click here to view the San Carlos Charter Family Learning Center's long term strategic plan.)

Before you start developing your business plan you might ask yourself the following questions. Although some of these questions may seem too simple for some, they might be helpful to newer charter school developers. Do not attempt to answer these questions as part of your written Business Plan

1. Have you worked in a school and/or educational setting similar to the one you want to start?

2. Have you had any business and/or education training in school?

3. Do you know how much money you will need to get the school started?

4. Have you decided on a marketing plan?

5. Have you talked with other school developers/operators about what they think of the school?

6. Can you determine the amount of money you should receive in terms of revenues per student?

7. Have you tried to find out how well schools similar to the one you want to open are doing in your community and in the rest of the country?

8. If you need to hire someone to help you, do you know where to look?

9. Do you know what benefits to provide?

10. Do you have a plan for training your employees?

11. Have you talked with the parents and schools (both public and private) in the area?

12. Have you determined the type of payment you intend to accept for student fees, etc.?

13. Have you talked with an insurance agent about what kind of insurance you need?

14. Do you know what equipment and supplies you will need and how much they will cost?

15. Can you save money by buying second hand equipment?

16. Have you compared the prices and credit terms of different suppliers?

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## FINANCIAL STATEMENTS TO INCLUDE IN YOUR BUSINESS PLAN

When preparing projected financial statements for your charter school business plan you must start with basic assumptions for income and expenses. These assumptions for income and expenses should be detailed in your charter school business plan with supporting documentation derived from the market study and the market strategy. The projected financial statements should indicate financial changes in your revenue cycle. For instance, if your school receives fees and funds from the state during a specific time, i.e. quarterly, revenue during that period will be greater. Your financial projections should indicate the fluctuation in income and expenses.

There are four types of financial statements that should be included in your business plan:

**1. * Annual Operating Budget (required in your business plan)**

The annual operating budget will take your income minus expenses and equal either a surplus or a deficit. The budget would show revenues by source (e.g., state aid, federal aid, grants, fees, etc.) and expenditure by object (e.g., salaries, benefits, rent, materials, books, services, professional training, utilities, insurance, etc.) for the first year of operations (or current fiscal year for a preexisting school).

Click here to view a sample annual operating budget

**2. * Cash Flow Statement (required with this application unless your annual budget above is broken into monthly columns).**

The cash flow statement will show the cash generated and collected from school operations. This statement will utilize the same income and expense as the annual operating budget, however, it breaks the information down into monthly or quarterly columns showing whether the school will have enough money to pay its bills at the end of each month or quarter. Naturally, if the school's annual revenues arrive at the school later than its expenditures must be paid, the school will need "working capital" (e.g., a short-term loan) in order to pay its expenses on time.

Click here to view a sample monthly cash flow projection.

**3. * Three-to-Five Year Projections of income and expenses –(required in your**

**business plan).**

A three or five year projection of anticipated income and expenses will show the planned growth, development and needs of the school over time.

Included in this kit are forms that may be used in the financial forecasting of your school. A rule of thumb when forecasting: "be as conservative and as realistic as possible."

Click here to view a sample five year budget projection

**4. * For those schools that are independent of their charter sponsor: An Audited Balance Sheet of the most recent year, prepared by an external, certified public accountant (if the school has been open and audited after its first year).** Schools that are in the planning state, or the first year of operations, and do not yet have an annual audit report, should develop a set of financial management policies. These policies would specify who is responsible for preparing and monitoring the school's budget and how the "powers of the purse" are distributed within their school among board members, staff, and others.

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## SAMPLE BUSINESS PLAN OUTLINE

(Suggested length: no more than 3 pages)

The questions outlined on page 2, along with the four financial statements described on page 3 are instrumental in developing your charter school business plan. Once you have formulated answers to the questions and have developed the necessary financial statements, you should begin developing your charter school business plan.

NOTE: The following section to the Business Plan is not required as part of your charter school grant application. However, it is encouraged that you develop such a plan for your school. Traditional lenders and others who are requested to support your school over time will be impressed with such a plan.

I. Summary

A. School Description

*1. Name and address*

*2. School description (grade levels, etc.)*

*3. Mission statement*

*4. Instructional focus*

*5. Governance/Administrative structure*

- *Charter accountability (describe briefly how your school plans to remain viable at renewal)*

- *Relationship with charter granting agency*

II. Market Analysis

A. Description of the area or market/ district(s) that the school will serve

B. Target market/student population (what segment of district's population you plan to serve?)

C. Competition - other school(s) seeking the same student population to include private, public, magnet, parochial and other charter schools

III. Marketing Strategy

A. Overall strategy (awareness for students and parents)

B. Specific admission and recruiting plans and policies

IV. Management Plan

A. Form of business organization (e.g., for profit or nonprofit corporation)

B. Board of Directors (Owners, partners, or governing board)

C. Administrator(s): organization chart and responsibilities (if applicable)

D. Resumes of key personnel (omit if included with your application)

E. Staffing plan/number of employees

F. Facility plan/ planned capital improvements (omit if included with your application)

G. Operating plan/schedule of work for next year

V. Financial Data

A. The appropriate financial statements described on page 3 of this form. Your Business Plan will include at least the Annual Operating Budget and the Three-to-Five Year Projections

C. Explanations of assumptions underlying the budget and projections

### A. Explanation of use and impact of new funds (if seeking a loan or grant)

Home Page
overview
announcements
new on this site
about this site

Starting & Running
technical assistance
federal resources
document library
lessons learned
budget & finance
sample school budget

States & Schools
complete list
create a school profile
school search

Resource Directory
state specific info
developers guidance
curric & instruc
school management
u.s. department
info & research

Contact Us
comments
q&a
keep me posted

Search
power search

US CHARTER SCHOOLS

# Budget and Finance

*Last Updated: 12-9-97*

The financial status and responsibilities of charters schools can vary widely both between and within states. In some states, charter schools are funded and manage their funds much as if they are a school district unto themselves. In other states, charter schools are a fiscal arm of an existing school district and have less financial autonomy.

This portion of the site contain documents and links that may be helpful to a wide variety of different types of charter schools. **In all cases, charter school developers should use caution in making use of these documents and links.** Because of the variance in state laws, the materials available here are merely intended to stimulate thought, ideas, and discussion and are not presented as "exemplary" or as a substitute for qualified financial counsel.

Even a very small charter school has large financial concerns. All schools need to develop a plan and process of managing their fiscal affairs. Fiscally independent schools in particular must be able to address the full range of fiscal management issues and processes. Some of these concepts and issues are addressed below.

**Table of Contents**

- Budget and Financial Planning Basics
- Borrowing for Facilities and Other Start-Up Costs
- Charter School Revenues
- Fiscal Management & Audit

## I. Budget and Financial Planning Basics

How much does it cost to actually run a charter school? Below is a sample document which will help you in developing your school's budget. A well-developed budget is more than simply a listing of the projected revenues and expenditures of a school. Ideally, a budget is a fiscal reflection of the mission, vision, and design principles of a school. Since the resources available to a school are always limited, innovative school developers must develop equally innovative budgets to make the most of limited funds.

- A *sample* annual operating budget from the Family Learning Center Charter School in St. Paul, Minnesota. This budget, developed by school designer Wayne Jennings, reflects his school's vision with its unusually strong emphasis on investing in technology, staff development, and a rich adult-to-student staffing ratio. Explanatory text at the beginning highlights how this budget reflects the school's design principles and how it differs from most traditional school budgets. Also available on the US Charter Schools web site is FLC's Instructional Performance Pay Schedule and a detailed Expectations of Staff document.

As the above budget demonstrates, a good fiscal plan should include a detailed budget for the upcoming fiscal year, a cash flow analysis, and a longer-term (e.g., 3-5 year) financial projection. It should also include a budget development and oversight process. The following resources provide additional information which may be helpful in developing your school's budget and longer-term financial plan.

- Materials from the Chicago Charter Schools 1997 Suggested Application Format, including the revenue projection (specific figures are applicable only to Chicago), the first year budget and cash flow projection, and a five-year operating budget projection. Though developed for a Chicago audience, these simple templates from the Leadership for Quality Education web site, available for download in MS Word and Excel format, are a sound example of the essentials of any basic charter fiscal plan.

- Chapter IX of the Pioneer Institute's Massachusetts Charter School Handbook provides a brief and basic overview of financial planning matters, including a sample budget, and may be the best place for novices to start.

- The Small Business Administration's web site contains some basic information such as a helpful business plan outline. Though charter schools' needs often differ from small businesses, many concepts are similar.

### II. Borrowing for Facilities and Other Start-Up Costs

The U.S. Department of Education-sponsored National Study of Charter Schools shows that, along with fiscal planning, facilities are among the most difficult challenges faced by charter developers. What does it really cost to borrow funds for a facility and other start-up costs? Lenders may view a new charter school as a high-risk investment, which often translates into very high interest rates for charter schools borrowing in their early years.

- Many charter schools have found success with alternative facilities arrangements. Sonoma Charter School, for example, has a lease with their local school district for the use of a building at $1 a year. Other schools like Leadership High School have formed partnerships with institutes of higher education to occupy unused classrooms during the day.

- Some states have established special funds to help charter schools with facilities and other large start-up costs, such as the Stimulus Fund in Arizona. Check with the charter school representative in your state department of education to see if such programs exist in your state. Contact information or most state representatives can be found through our State Profiles pages.

### III. Charter School Revenues

The revenue sources available to charter schools vary widely from state-to-state depending on the specific terms of the state's laws and how these laws place charter schools in the state's overall school finance system. These state finance systems are often extremely complex and are subject to frequent changes over time. The important thing to note, however, is that many charter schools' operating expenses exceed the standard per-pupil allotment they receive from their state or local district. Generally, charter schools try to make up the short fall through additional revenue sources, such as federal or state programs like Title 1, or awards from private or corporate foundations. For an overview of additional revenue sources commonly employed by charter schools, please see our Fundraising page.

Otherwise, a few helpful sources for more detailed information on state and local district charter school revenue policies include the following:

- Many state education agencies either provide or have posted documents which explain how charter school revenues are derived within the context of their state's larger school finance system. One example is California's Management Advisory on Apportionments for Charter Schools. Additionally, many states have charter school resource centers or state networks, which may also provide finance information. Check our State Profiles page for contact information for these and other organizations.
- A detailed manual entitled California Charter School Revenues from the Charter Schools Project at the CSU Institute for Education Reform. Though written specifically to address California's unique school finance system, many of the concepts and issues addressed in this in-depth manual cross state boundaries.
- As part of the Chicago Charter Schools 1997 Suggested Application Format, cited above, there is a Revenue Projection table, which is helpful in estimating total revenue amounts for a variety of different funding sources, particularly categorical programs. [The table itself is in MS Word format and will be downloaded directly to a directory in your computer. Once downloaded, go to that directory and open the file in MS Word.]

## IV. Fiscal Management & Audit

The fiscal management standards and practices used by charter schools vary widely from state to state. Some states require charter schools to use a state-mandated accounting system and audit process. Other states allow the charter school to determine its own processes. Schools receiving large amounts of federal funds may need to also comply with various federal standards regarding accounting and auditing. Charter developers who manage their own funds need to understand the accounting and audit procedures and laws applicable to them and then establish a workable system to account for their funds. In addition, charter developers will need to establish an audit scope and process.

Currently there is little published information regarding accounting and auditing procedures that is specific to charter schools. School developers should consult with their state education agency and other fiscal management experts when developing their fiscal management systems. A few sources include the following:

- The Arizona Auditor General's Uniform System of Financial Records for Arizona Charter Schools. This manual, which may be helpful at a generic level to charter developers in other states, is not yet available in electronic form but may be ordered for a fee through the Arizona Department of Education's Central Distribution Office (602) 542-3088.
- The Office of Management and Budget issues memoranda explaining the scope of audits required of nonprofit and public entities that receive large amounts of federal funding. Depending on how much money your school receives from the federal government, your school may be subject to these detailed audit standards.

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Excerpted from: *The Massachusetts Charter School Handbook.* (1997). Boston, MA: Pioneer Institute for Public Policy

# Finances and Budgeting

## Chapter 9

Although a charter school's success is primarily a function of the leadership and vision of its founders and staff, it is impossible to open or operate a charter school without proper financial management. The world of school finance is one of foundation budgets, per-pupil expenditures, and start-up funding. In this chapter, we guide you through the development of a charter school's financial plan and, along the way, explain the critical financial issues involved in starting and operating a successful charter school.

### What is a Financial Plan?

The financial plan should describe the costs involved in starting the charter school and give projections about the school's future finances. Writing the plan is useful for a number of reasons: It can be used to convince prospective funders that the school is financially viable, to anticipate programmatic strengths and weaknesses, to showhow sensitive your projections are to changes in basic assumptions, and to ensure that funds are used as efficiently and effectively as possible.

> ***"Sources of charter schools' income include:***
> - ***tuition payments from local school districts***
> - ***student user fees***
> - ***federal student entitlements***
> - ***grants and contributions***
> - ***loans."***

We begin our discussion of financial issues with an overview of the major revenues and costs you should expect. We will then apply these concepts to the financial plan.

### Income

The major sources of income received by charter schools include tuition payments from local school districts (Chapter 70), federal student entitlements (e.g., Chapter 1), grants and contributions, loans, and student user fees. Charter schools receive payments directly from the state Treasurer, which are funded by deductions from state appropriations to the applicable school districts. Such deductions may not exceed 6% of a district's total annual budget.[1] School districts will receive a reimbursement from the state in FY99 equal to 100% of the net *increase* in its charter school tuition deductions, compared to the prior year (i.e., FY98). This reimbursement rate will decline to 60% in FY2000, 40% in FY2001, and 0% in FY2002.[2] Districts will be reimbursed for one year for the full cost of students who transfer to charter schools from private or parochial schools.

- **Per-Pupil Payments:** The per-pupil revenue to a charter school depends on the amount of money the district in which a student resides spends on its own schools. If a district spends more than the minimum amount required by its foundation budget,[3] it is said to be *above foundation;* otherwise, the district is termed *below foundation.*

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1. Districts that had deductions in excess of 5% in FY97 could see their deductions increase by as much as 3%.
2. The reimbursement formula for FY98 provides below-foundation districts with additional appropriations under Chapter 70 that equal 100% of projected tuition deductions. Above-foundation districts receive a 40% reimbursement for actual deductions.
3. The Education Reform Act of 1993 established a formula for determining the minimum school spending requirements of each district in the Commonwealth. This amount varies from district to district, depending on a number of factors, including enrollment patterns and local wage rates. Foundation budgets are adjusted annually for inflation.

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school's mission, especially in the geographic area where your school is located. Organizers may also wish to apply for federal and state grants. If you expect to receive grants in the future that you wish to include in your long-term budget, use conservative estimates. Useful references for locating sources of grants and contributions are listed at right.

Experience shows that an active board is extremely helpful in raising funds. Board members who are well connected and enthusiastic can be a tremendous asset.

- **Loans:** A number of charter schools have considered borrowing money to finance their operations. Although these are a useful source of funds, you should remember that if you borrow money, you will have to include debt service in your operating expenses. In addition, a number of issues—limited assets, a finite charter (i.e., five years), the absence of track records, and legislative uncertainty regarding education reform—may create difficulties for charter schools seeking loans. Some charter schools have received financing assistance from the state in the form of direct loans and guarantees. The Massachusetts Land Bank has helped finance major renovations of publicly-owned buildings for Boston Renaissance Charter School and the Seven-Hills Charter School in Worcester. Several other charter schools have received partial guarantees from the Massachusetts Industrial Finance Agency for cash flow loans made through USTrust bank. (Note: LandBank and MIFA have merged and are now called the Massachusetts Development Finance Agency.)

## Expenses

The expenses your charter school incurs will vary with the size, mission, and location of your school. Most expenses fall into one of the following broad categories:

- Salaries and benefits
- Services and activities
- Supplies and equipment
- Marketing and development
- Physical plant
- Loan repayments

### *References For Grants And Contributions*

***The Board Member's Guide to Fund Raising: What Every Trustee Needs to Know About Raising Money,*** by Fisher Howe (Jossey-Bass, 1991). Highlights the role of trustees in successful fund-raising programs.

***The Foundation Directory*** (The Foundation Center, 1997). Features data on the nation's influential funders and foundations.

***National Directory of Corporate Giving*** (The Foundation Center, 1997). Offers information on corporate philanthropic programs.

***Who Gets Grants/Who Gives Grants*** (The Foundation Center 1997). Provides access to grant recipient information. Useful in determining the sources from which nonprofits in your "subject field" receive grants.

***Grant Guide for Elementary and Secondary Education*** (The Foundation Center, 1997). Lists of grants to elementary and secondary schools for academic programs, scholarships, counseling, educational testing, drop-out prevention, teacher training and education, salary support, student activities, and school libraries.

***National Guide to Funding for Children, Youth, and Families*** (The Foundation Center, 1997). Offers information on foundations and corporate programs that have awarded grant dollars to projects and institutions related to children, youths, and families.

***National Guide to Funding for Elementary and Secondary Education*** (The Foundation Center, 1997). Offers information on foundations and corporate programs that have awarded grant dollars to projects related to elementary and secondary education.

buy these goods and services and ask for a quote. You may wish to add an additional 10% to each quote as a contingency. This itemized list represents your start-up costs—the money you will need to open your school's doors.

✓ **Where possible, of course, organizers should try to minimize start-up costs and avoid deficit spending. Founders of businesses and independent schools often begin operations in donated space and go unpaid for several months. Although the same range of options is not always available or practical for charter school organizers, you should consider all reasonable means to reduce start-up costs.**

A sample start-up budget, for the "ABC" Charter School, is shown at right.

*Note:* Expenses associated with outfitting classrooms with furnishings, equipment, and supplies are not included in the example provided. Their costs are included in the first year operating budget on page VII-6.

## Operating Budget

The operating budget reflects the yearly expenses and revenues of a charter school. Project operating costs in a manner similar to the start-up cost estimations. Estimate revenues by using expected reimbursement and funding data, based on your projected enrollment and contributors.

✓ **In preparing budgets for financial planning, you may wish to use a computerized spreadsheet program. The most commonly used programs are Microsoft Excel and Lotus 1-2-3.**

**The key advantage of a spreadsheet program in financial planning is the ability to link figures to a number of key variables. This allows you to easily view the effects of different assumptions on the entire budget.**

**In the budgets that follow, if we change any of the numbers under the heading "Key Variables," the appropriate changes to the rest of the budget compute automatically.**

(continued on page VII-7)

### *"ABC" Charter School Start-Up Budget: Expenses Before Year 1*

| | Avg. Monthly Amount | Months | No. | Total |
|---|---|---|---|---|
| **Operating Revenue** | | | | **$0** |
| **Expenses** | | | | |
| SALARIES AND BENEFITS | | | | |
| Teachers | $2,500 | 2 | 6 | $30,000 |
| Administrators | $3,000 | 4 | 1 | $12,000 |
| Support Staff | $1,000 | 4 | 1 | $4,000 |
| Subtotal | | | | $46,000 |
| SERVICES AND ACTIVITIES | | | | |
| Custodial Services | $500 | 4 | N/A | $2,000 |
| Telephone | $1,000 | 4 | N/A | $4,000 |
| Subtotal | | | | $6,000 |
| SUPPLIES AND EQUIPMENT | | | | |
| Furniture | N/A | N/A | N/A | $2,000 |
| Computers | N/A | N/A | 2 | $5,000 |
| Textbooks | N/A | N/A | 100 | $2,000 |
| Subtotal | | | | $9,000 |
| MARKETING AND DEVELOPMENT | | | | |
| Printing | N/A | N/A | N/A | $5,000 |
| Advertising | N/A | N/A | N/A | $5,000 |
| Subtotal | | | | $10,000 |
| PHYSICAL PLANT | | | | |
| Renovations | N/A | N/A | N/A | $25,000 |
| Rent | $6,250 | 4 | N/A | $25,000 |
| Utilities | $2,000 | 4 | N/A | $8,000 |
| Subtotal | | | | $58,000 |
| **Total Expenses** | | | | **$129,000** |
| **EXCESS (DEFICIT)** | | | | **($129,000)** |
| **Grants and Loans** | | | | |
| GOVERNMENT START-UP GRANT | | | | $50,000 |
| PRIVATE GRANTS | | | | $25,000 |
| LOANS | | | | $55,000 |
| **Total Grants and Loans** | | | | **$130,000** |
| **ENDING FUND BALANCE** | | | | **$1,000** |

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## "ABC" Charter School Operating Budget: Year 1 - *continued*

### Key Variables

| | |
|---|---|
| Number of students (FTE) | 150 |
| Number of teachers | 7.5 |
| Number of administrators | 1.5 |
| Number of support staff | 1.5 |
| Number of SPED/bilingual staff | 1.5 |
| Students per teacher | 20 |
| Students per administrator | 100 |
| Students per support staff | 100 |
| Students per SPED/bilingual staff | 100 |
| Salary Teacher | $40,000 |
| Salary Administrator | $45,000 |
| Salary Support staff | $25,000 |
| Salary SPED/bilingual staff | $40,000 |
| Payment per student | $6,500 |
| Fees per student | $100 |
| Entitlements per student | $500 |
| Total principal owed at beginning of fiscal year | $55,000 |

### Charter School Average Budget*

| | |
|---|---|
| Per Pupil Revenue | $6,500 |
| Salaries and Benefits | 57.0% |
| Services and Activities | 20.0% |
| Supplies and Equipment | 7.5% |
| Physical Plant | 15.0% |
| Debt Service | 5% |

*Expenses based on 1997 annual reports of 14 charter schools

### Notes

- No inter-scholastic sports
- No transportation to/from school

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You may wish to include with your operating budget a line item for the ending fund balance, reflecting the total operating budget plus the surplus or deficit from the previous fiscal year (or from the start-up period). For the first year, the ending fund balance can be calculated by subtracting net start-up costs from that fiscal year's operating budget.

A sample operating budget for the "ABC" Charter School's first fiscal year in operation is given at left and above.

✓ **We separate start-up costs from operating costs here for purposes of financial planning. In projecting future expenditures, operating costs are relevant, while start-up costs, by definition, will be incurred only once in a school's lifetime. However, for purposes of financial reporting (the school's annual report to the Department of Education) you should include start-up costs as expenditures for the fiscal year(s) in which they are incurred.**

## Long-Range Operating Budget

Largely because of high start-up costs and few economies of scale, charter schools may face a deficit in their early operating budgets. Eventually, however, your charter school should generate enough revenue from its operations to meet expenses. If this is not possible, cost-cutting and/or additional revenue generation will be necessary. A long-range budget helps to make this determination.

*(continued on page VII-9)*

## "ABC" Charter School Five Year Budget - *continued*

| **Key Variables** | Year 1 | Year 2 | Year 3 | Year 4 | Year 5 |
|---|---|---|---|---|---|
| Number of students (FTE) | 150 | 175 | 200 | 225 | 250 |
| Number of teachers | 8 | 10 | 11 | 12 | 14 |
| Number of administrators | 2 | 2 | 2 | 3 | 3 |
| Number of support staff | 2 | 2 | 2 | 3 | 3 |
| Number of SPED/bilingual staff | 2 | 2 | 2 | 3 | 3 |
| Students per teacher | 20 | 18 | 18 | 18 | 18 |
| Students per administrator | 100 | 75 | 75 | 75 | 75 |
| Students per support staff | 100 | 75 | 75 | 75 | 75 |
| Students per SPED/bilingual staff | 100 | 75 | 75 | 75 | 75 |
| Salary: Teacher | $40,000 | $40,800 | $41,616 | $42,448 | $43,297 |
| Salary: Administrator | $45,000 | $45,900 | $46,818 | $47,754 | $48,709 |
| Salary: Support staff | $25,000 | $25,500 | $26,010 | $26,530 | $27,061 |
| Salary: SPED/bilingual staff | $40,000 | $40,800 | $41,616 | $42,448 | $43,297 |
| Payment per student | $6,500 | $6,695 | $6,896 | $7,103 | $7,316 |
| Fees per student | $100 | $100 | $100 | $100 | $100 |
| Entitlements per student | $500 | $500 | $500 | $500 | $500 |
| Total principal owed at beginning of fiscal year | $55,000 | $69,000 | $55,200 | $44,160 | $35,328 |
| Annual real growth in teacher salary |  | 2% | 2% | 2% | 2% |
| Annual real growth in administrator salary |  | 2% | 2% | 2% | 2% |
| Annual real growth in support staff salary |  | 2% | 2% | 2% | 2% |
| Annual real growth in SPED/bilingual staff salary |  | 2% | 2% | 2% | 2% |
| Annual real growth in payments per student |  | 3% | 3% | 3% | 3% |
| Annual real growth in fees per student |  | 3% | 3% | 3% | 3% |
| Annual real growth in entitlements per student |  | 0% | 0% | 0% | 0% |
| Annual increase in students (FTE) |  | 25 | 25 | 25 | 25 |
| Interest rate | 8% | 8% | 8% | 8% | 8% |
| Inflation rate | 0% | 0% | 0% | 0% | 0% |
| Square feet | 17,500 | 17,500 | 22,500 | 22,500 | 25,000 |
| Average debt | $62,000 | $66,000 | $62,100 | $49,680 | $39,744 |

### Notes

- All projections made in this budget are in FY95 dollars, so that amounts may be evaluated in terms of consistent purchasing power (i.e., inflation rate = 0%). All increases are thus in real dollar terms.
- Increase in per-pupil revenues is due to an expected ratcheting-up of real-dollar spending by 3% annually.
- For Year 3, we project renting 5,000 square feet of additional space to accommodate the increased student population. As a result, total rent increases by $50,000 and utilities increase 50%.
- See Year 1 operating budget for remaining assumptions.

The long-range budget can be computed for as many years as you desire; as per the DOE Charter School Application, we will prepare a five-year budget. In constructing the long-range budget, follow these steps:

- Use your first-year operating budget, extrapolate to the next four years, noting the assumptions you make about inflation, enrollment growth, etc.
- Add any planned new expenditures.
- Calculate figures for net annual operating costs and net current fund balances.

A five-year budget for the "ABC" Charter School is shown at left and above.

> ✔ **Think creatively about cost cutting and revenue raising. How about renting the school building out to camp programs during the summer? How about using parent volunteers to supplement teaching staff or provide certain administrative services?**

Following the growth period is the period of full operations, when the school has obtained its full intended enrollment, hired its full complement of staff, and fully implemented its educational program. Before or during this time, it is desirable that revenues from student tuition payments and fees (again excluding grants and loans) are sufficient to cover current expenses. The point at which this occurs is called the school's break-even point. By manipulating assumptions about costs and enrollment or staffing patterns, school organizers can determine this break even-point under different circumstances. The sidebar at left discusses the break-even analysis and illustrates the sensitivity of the break-even point to changes in budgeting assumptions.

The financial positions implied by different assumptions about costs and revenues will suggest the range of options available to school organizers as they plan their programs. Based on these, organizers should determine which option allows for the optimal attainment of the school's goals, subject to the limits imposed by its revenues and sources of support.

## Public Finance Issues

Charter schools receive their per-pupil tuition payments directly from the state Treasurer. Payments are made quarterly in roughly equal installments, although enrollment reports submitted in October and March will result in some adjustments, positive or negative. Payments to charter schools are funded through deductions from the local aid accounts (Chapter 70) of the districts where charter school students reside. School districts are reimbursed in whole or in part by the state for these deductions, although such reimbursements will be phased out over time.

## Liability[1]

Charter school founders, boards, and teachers are all concerned about their legal liability. If sued, who will defend? Who will indemnify (i.e., pay)? Although it would appear that the Commonwealth has an obligation to intervene on behalf of charter schools, the answers to these questions are still unclear, because no formal opinion has been issued by the Attorney General. Until it can be determined that the Attorney General will in fact defend and the state will indemnify, charter schools should probably take the cautious approach and purchase liability insurance covering a broad range of risks and all personnel associated with the school.

[1] Liability is legal responsibility. It is based on a duty owed by one to another. Liability can apply to a person, a collection of persons, a corporation, a municipality, another governmental entity, or some or all of the above. Sometimes a law establishes a duty, sometimes a judicial decision notes the existence of a duty that had been heretofore considered common sense. If it is a law that establishes the duty, then one looks at the terms of the law and how those terms are defined within that law or in some other reasonable place. If the duty is defined by judicial decision, or if it is undefined by anything in writing, then one must try to figure out how the average reasonable person (living in our American culture) would define it. Generally, one who undertakes any task owes a duty to others to perform that task in a reasonable manner. For example, one who undertakes to operate a school and who becomes aware of bullying or violence going on in the lunchroom, would be obligated to do something about it for the protection of the students involved.

# Chicago's Charter Schools Financial Spreadsheet

*Developed by the Illinois Facilities Fund*

The Chicago Charter Schools Financial Spreadsheet simplifies the Charter School application by streamlining the budgeting process. In addition, the spreadsheets are a management tool that can be used to test assumptions and run scenario analysis.

Instructions

The Chicago Charter School Financial Spreadsheet is in Excel 5.0c. The name of the file is "finance.xls". We strongly suggest that you copy the file before entering any information. The Workbook is divided into five sheets:

1. Operating Budget - This is one of the required financial documents for charter school application. You can not enter anything into this sheet. All information should be entered in the Assumptions sheet.
2. Assumptions - This contains all assumptions that are used to create the Operating Budget. We suggest starting with the sheet.
3. Grants - This requests detailed information on your fundraising plan, should you have one.
4. Start-Up Cash Flow - This is one of the required financial documents for charter school application.
5. Cash Flow Projection - This is one of the required financial documents for charter school application.

Enter information into the outlined boxes. Leave the shaded boxes blank. The shaded boxes have formulas entered into them and when all outlined boxes are completed by you, the shaded boxes will be automatically completed.

All sheets are protected. This means that you can not enter data in specified areas. This was done to eliminate accidentally erasing formulas embedded in the spreadsheet. You may turn this feature off in order to customize your own formulas. In order to do this, open the sheet you want unprotected. On the menu bar select Tools then Protection. A box will pop up and click on Unprotect Sheet.

Print out all pages of each sheet and submit the entire packet with your charter school application.

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# Chicago's Charter Schools Financial Spreadsheet

*Developed by the Illinois Facilities Fund*

## Cash Flow Projection and Start-Up Budget

- **Before you begin working on the Cash Flow Projection, read the following instructions carefully.**
- **An Excel spreadsheet that includes templates for all financial information required in the charter school application is available on disk. The spreadsheet contains all formulas which will reduce the time it takes to complete the financial information. In addition, the spreadsheet allows you to easily change individual numbers and see the result on the bottom line. The spreadsheet was developed by the Illinois Facilities Fund and is available through Leadership for Quality Education.**

**Two cash flow statements are required of all charter school applicants:**

- **Cash Flow Projection** covers the first 12 months of the school's operations The Total column on the Cash Flow Projection should tie directly in to your Operating Budget. For example, Total receipts on the Cash Flow Projection will exactly equal Total revenues on the Operating Budget

- **Cash Flow Start - Up Budget** covers the period prior to charter school opening. For most schools Month 5 will be June of 1998 The Ending Cash in Month 5 will be the Beginning Cash on the Cash Flow Projection Do not "double count" any receipts or disbursements in the Start-Up Budget and Cash Flow Projection

**Important:** It is not acceptable to see a negative Ending Cash amount in any month. If you get a negative number for Ending Cash, that indicates a need for additional financing. One option is a Line of Credit. If the school will need to access a Line of Credit, please indicate the source and terms on a separate sheet of paper Include Line of Credit Draws in the Cash Receipts section to account for draws the school will make to cover cash shortfalls Include Line of Credit Repayment in the Cash Disbursements section to account for monthly payments on outstanding Line of Credit Draws "Plan" the Line of Credit Draws appropriately so the school is not drawing funds each month. If the agency will be using something other than a Line of Credit to cover cash shortfalls, please indicate the sources and terms on a separate sheet of paper

**Instructions:**

**Total** column is for the total of each line item This column will be filled in last.

**Beginning Cash** is the amount of agency cash to be allocated to the operation of the programs at the project site upon completion of the project. Enter that amount in Beginning Cash, Month 1 and Beginning Cash, Total Beginning Cash, Months 2-12 will be calculated based on Cash Receipts and Cash Disbursements and is explained later in the instructions. Leave Beginning Cash, Months 2-12 blank for now.

**Cash Receipts** represent funds which will come into the agency for the operation of the school Included are lines for typical receipts and several lines for other receipts Describe any "other" receipts on a separate sheet of paper Complete the Cash Receipts section for Months 1-12, showing the expected monthly receipts for the project site Total the columns for each month and enter the totals in the Total line.

**Cash Disbursements** represent funds to be expended by the agency for the operation of the programs located at the project site Included are lines for typical disbursements and several lines for other disbursements. Describe any "other" disbursements on a separate sheet of paper Complete the Cash Disbursements section for Months 1-12, showing the expected monthly disbursements for the project site. Total the columns for each month and enter the totals in the Total line.

# Chicago's Charter Schools Financial Spreadsheet

*Developed by the Illinois Facilities Fund*

**Cash Excess/(Deficit)** represents the excess or deficit of Cash Receipts to Cash Disbursements. Calculate this number for each month by subtracting monthly Cash Disbursements from monthly Cash Receipts. Enter the monthly excess or deficit in the Cash Excess/(Deficit) line. **It is acceptable to see monthly Cash Deficits in the early months. However, continuing Cash Deficits indicate that the programs at the site are not self-supporting and Cash Receipts and Cash Disbursements should be revised.**

**Ending Cash** represents the cash remaining for the operation of the programs located at the project site at the end of each month. Calculate this number for Month 1 by adding Month 1 Cash Excess/(Deficit) to Month 1 Beginning Cash. Enter that number in Month 1 Ending Cash. Also, enter that number in Month 2 Beginning Cash (Month 1 Ending Cash = Month 2 Beginning Cash). Continue calculating each month's Ending Cash and use it as Beginning Cash for the next month.

**Final instructions:** Complete the Total column by adding across for each line item in the Cash Receipts and Cash Disbursements sections. Calculate Total Cash Excess/(Deficit) by subtracting Total Cash Disbursements from Total Cash Receipts. Finally, calculate Total Ending Cash by adding Total Cash Excess/(Deficit) to Total Beginning Cash.

Part 13. Attachment 2

Agency Name ____________

**Charter School Application**
**"Start-Up Budget"**

**Cash Requirements prior to Charter School Operation**

| | Month 1 | Month 2 | Month 3 | Month 4 | Month 5 |
|---|---|---|---|---|---|
| **(A) Beginning Cash** | | | | | |
| Cash Receipts: | | | | | |
| *Description:* | | | | | |
| ISBE Start-Up Grant | | | | | |
| Start-up Grants | | | | | |
| | | | | | |
| Loan Proceeds | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| **(B) Total Receipts** | | | | | |
| | | | | | |
| Cash Disbursements | | | | | |
| *Direct Student Costs.*<br>*Description* | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| *Personnel Description* | | | | | |
| Director/Principal Salary | | | | | |
| Teacher Salaries/Stipends | | | | | |
| Staff Development | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| *Occupancy of Facilities Description* | | | | | |
| Rent | | | | | |
| Utilities | | | | | |
| Facility Acquisition | | | | | |
| Facility Rehabilitation | | | | | |
| | | | | | |
| *Office Description* | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| *Other Description* | | | | | |
| Insurance | | | | | |
| Curriculum Development | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| (C) Total Disbursements | | | | | |
| | | | | | |
| (D) NET REVENUE (B - C) | | | | | |
| | | | | | |
| ENDING CASH (A - D) | | | | | |

* Carry this number forward to Beginning Cash for the next month

Part 13, Attachment 3

CHARTER SCHOOL NAME
Charter School Application
Cash Flow Projection

Agency Name

| | July | August | Sept | October | Nov | Dec | January | February | March | April | May | June | Total |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **(A) BEGINNING CASH** | | | | | | | | | | | | | |
| **Cash Receipts:** | | | | | | | | | | | | | |
| Funding from CPS | | | | | | | | | | | | | |
| Categorical funding | | | | | | | | | | | | | |
| Grants | | | | | | | | | | | | | |
| Loans | | | | | | | | | | | | | |
| Student fees | | | | | | | | | | | | | |
| *Other, Desription* | | | | | | | | | | | | | |
| **(B) TOTAL RECEIPTS** | | | | | | | | | | | | | |
| **Cash Disbursements:** | | | | | | | | | | | | | |
| *Direct Student Costs* | | | | | | | | | | | | | |
| Classroom supplies | | | | | | | | | | | | | |
| Educational materials | | | | | | | | | | | | | |
| Instructional equipment | | | | | | | | | | | | | |
| Computers | | | | | | | | | | | | | |
| Field study | | | | | | | | | | | | | |
| Special Ed Services | | | | | | | | | | | | | |
| Food service | | | | | | | | | | | | | |
| Furniture | | | | | | | | | | | | | |
| Transportation | | | | | | | | | | | | | |
| *Other, Desription* | | | | | | | | | | | | | |
| ***Total Direct Student Costs:*** | | | | | | | | | | | | | |
| *Personnel* | | | | | | | | | | | | | |
| Principal, Executive | | | | | | | | | | | | | |
| Teachers ____________ | | | | | | | | | | | | | |
| Teachers ____________ | | | | | | | | | | | | | |
| Counselors/Social Workers | | | | | | | | | | | | | |
| Administration/Clerical | | | | | | | | | | | | | |
| Maintenance/Custodial | | | | | | | | | | | | | |
| Food service | | | | | | | | | | | | | |
| *Other* | | | | | | | | | | | | | |
| Pension | | | | | | | | | | | | | |
| Payroll Taxes | | | | | | | | | | | | | |
| Health Benefits | | | | | | | | | | | | | |
| Staff development | | | | | | | | | | | | | |
| *Other* | | | | | | | | | | | | | |
| ***Total Personnel*** | | | | | | | | | | | | | |
| *Occupancy of Facilities* | | | | | | | | | | | | | |
| Rent | | | | | | | | | | | | | |
| Mortgage | | | | | | | | | | | | | |
| Utilities | | | | | | | | | | | | | |
| Maintenance | | | | | | | | | | | | | |

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**CHARTER SCHOOL NAME**
**Charter School Application**
**Cash Flow Projection**

Agency Name

| | July | August | Sept | October | Nov | Dec | January | February | March | April | May | June | Total |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Janitorial supplies | | | | | | | | | | | | | |
| *Other* | | | | | | | | | | | | | |
| *Other* | | | | | | | | | | | | | |
| *Total Occupancy* | | | | | | | | | | | | | |
| | | | | | | | | | | | | | |
| *Office* | | | | | | | | | | | | | |
| Supplies | | | | | | | | | | | | | |
| Furniture | | | | | | | | | | | | | |
| Equipment rental | | | | | | | | | | | | | |
| Equipment maintenance | | | | | | | | | | | | | |
| Telecommunications equip | | | | | | | | | | | | | |
| Telecommunications usage | | | | | | | | | | | | | |
| Accounting/Audit | | | | | | | | | | | | | |
| Payroll | | | | | | | | | | | | | |
| Printing and copying | | | | | | | | | | | | | |
| Postage and shipping | | | | | | | | | | | | | |
| *Other:* | | | | | | | | | | | | | |
| *Other:* | | | | | | | | | | | | | |
| *Total Office* | | | | | | | | | | | | | |
| | | | | | | | | | | | | | |
| *Other* | | | | | | | | | | | | | |
| Insurance | | | | | | | | | | | | | |
| Building Loan Payment | | | | | | | | | | | | | |
| Equipment Loan Payment | | | | | | | | | | | | | |
| *Other:* | | | | | | | | | | | | | |
| *Other:* | | | | | | | | | | | | | |
| *Total Other* | | | | | | | | | | | | | |
| | | | | | | | | | | | | | |
| **(C) TOTAL DISBURSEMENTS** | | | | | | | | | | | | | |
| **(D) NET REVENUE (B - C)** | | | | | | | | | | | | | |
| **ENDING CASH* (A - D)** | | | | | | | | | | | | | |

*Carry this number forward to Beginning Cash for the next month

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Part 13, Attachment 4

## FIVE-YEAR OPERATING BUDGET
**Fiscal Year 1999-2004**

| DESCRIPTION | FY 1999 | FY 2000 | FY 2001 | FY 2002 | FY 2003 |
|---|---|---|---|---|---|
| ***Number of Students*** | | | | | |
| **REVENUES** | | | | | |
| Per Capita Revenues | | | | | |
| State Chapter 1 | | | | | |
| Federal Title I | | | | | |
| Federal Title II, IV, & VI | | | | | |
| Bilingual Education | | | | | |
| Grants | | | | | |
| Student fees | | | | | |
| *Other* ______ | | | | | |
| **TOTAL REVENUES** | | | | | |
| **EXPENSES** | | | | | |
| ***Direct Student Costs:*** | | | | | |
| Classroom supplies | | | | | |
| Educational materials | | | | | |
| Instructional equipment | | | | | |
| Computers | | | | | |
| Field study | | | | | |
| Special Ed Services | | | | | |
| Food service | | | | | |
| Furniture | | | | | |
| Transportation | | | | | |
| *Other* ______ | | | | | |
| ***Total Direct Student Costs:*** | | | | | |
| | | | | | |
| ***Personnel*** | | | | | |
| Principal, Executive | | | | | |
| Teachers ______ | | | | | |
| Teachers ______ | | | | | |
| Counselors/Social Workers | | | | | |
| Administration/Clerical | | | | | |
| Maintenance/Custodial | | | | | |
| Food service | | | | | |
| *Other* | | | | | |
| Pension | | | | | |
| Payroll Taxes | | | | | |

Part 13, Attachment 4

| | | | | | |
|---|---|---|---|---|---|
| Health Benefits | | | | | |
| Staff development | | | | | |
| *Other*___________ | | | | | |
| *Other*___________ | | | | | |
| ***Total Personnel*** | | | | | |
| | | | | | |
| ***Occupancy of Facilities*** | | | | | |
| Rent | | | | | |
| Mortgage Interest | | | | | |
| Utilities | | | | | |
| Maintenance | | | | | |
| Janitorial supplies | | | | | |
| *Other* | | | | | |
| *Other* | | | | | |
| ***Total Occupancy*** | | | | | |
| | | | | | |
| ***Office and Administration*** | | | | | |
| Supplies | | | | | |
| Furniture | | | | | |
| Equipment rental | | | | | |
| Equipment maintenance | | | | | |
| Telecommunications equip | | | | | |
| Telecommunications usage | | | | | |
| Accounting/Audit | | | | | |
| Payroll | | | | | |
| Printing and copying | | | | | |
| Postage and shipping | | | | | |
| *Other:* | | | | | |
| *Other:* | | | | | |
| ***Total Office*** | | | | | |
| | | | | | |
| ***Other*** | | | | | |
| Insurance | | | | | |
| Building Loan Expense | | | | | |
| Equipment Loan | | | | | |
| Depreciation Expense | | | | | |
| Replacement Reserve | | | | | |
| *Other:* | | | | | |
| ***Total Other*** | | | | | |
| | | | | | |
| TOTAL EXPENSES | | | | | |

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# Financial Statements

## 1995-1996

# Jefferson Academy
## Income, Expense and Budget Statement as Reflected by District
## For Year Ending 1994-95 (Audited)

| | Jun-95 | Year End | % | 94-95 Budget |
|---|---|---|---|---|
| **REVENUE** | | | | |
| PPOR Allocation | $45,644 | $547,729 | 95.81% | $547,729 |
| Special Education Reim. | 11,089 | 11,089 | 1.94% | $10,000 |
| Textbook Fees | 0 | 5,728 | 1.00% | $4,500 |
| Outdoor Lab Fees | 870 | 2,052 | 0.36% | $0 |
| Donations | 0 | 3,651 | 0.64% | $3,000 |
| Other Revenue | 45 | 1,410 | 0.25% | $0 |
| **TOTAL REVENUES** | $57,648 | $571,659 | 100.00% | $565,229 |
| **EXPENDITURES** | | | | |
| **Salaries:** | | | | |
| Administration (2 FTE) | $4,510 | $66,845 | 11.69% | $67,283 |
| Special Education (1.2 FTE) | 3,057 | 31,782 | 5.56% | 33,500 |
| Teachers (8 FTE) | 17,421 | 176,968 | 30.96% | 192,500 |
| Educational Assistants (10 FTE) | 5,887 | 54,081 | 9.46% | 57,062 |
| Custodian (1 FTE) | 1,475 | 16,451 | 2.88% | 20,000 |
| Substitutes | 1,770 | 4,328 | 0.76% | 5,000 |
| **Total Salaries** | $34,120 | $350,455 | 61.30% | $375,345 |
| **Benefits:** | | | | |
| Special Education | 1,332 | 8,119 | 1.42% | 10,600 |
| Staff | 7,855 | 75,027 | 13.12% | 80,505 |
| **Total Benefits** | $9,187 | $83,146 | 14.54% | $91,105 |
| **Purchased Services:** | | | | |
| Mileage/Travel | 138 | 1,205 | 0.21% | 550 |
| Employee Training | 681 | 5,152 | 0.90% | 2,000 |
| Outdoor Lab | 0 | 72 | 0.01% | 1,000 |
| Printing | 12 | 897 | 0.16% | 1,000 |
| Special Ed. Services | 500 | 6,959 | 1.22% | 4,000 |
| Library/Film | 1,310 | 1,975 | 0.35% | 1,250 |
| Maint./Equip. Repair | -601 | 1,613 | 0.28% | 500 |
| Telephone | 415 | 2,940 | 0.51% | 2,500 |
| Postage | 150 | 687 | 0.12% | 750 |
| Insurance(WC & UI) | 1,958 | 10,715 | 1.87% | 0 |
| **Total Purchased Services** | $4,563 | $32,215 | 5.64% | $13,550 |
| **Supplies/Materials:** | | | | |
| Contingency | 171 | 1,122 | 0.20% | 18,000 |
| Office Supplies | 299 | 4,424 | 0.77% | 3,000 |
| Clinic | 0 | 294 | 0.05% | 500 |
| Custodial Supplies | 0 | 1,290 | 0.23% | 1,500 |
| Instructional | 1,264 | 42,235 | 7.39% | 42,000 |

| | | | | |
|---|---|---|---|---|
| Art | 60 | 1,786 | 0.31% | 0 |
| PE Equipment | 139 | 504 | 0.09% | 0 |
| Music | 0 | 1,018 | 0.18% | 0 |
| Textbooks | 3,589 | 22,276 | 3.90% | 20,000 |
| Copier | 0 | 5,304 | 0.93% | 3,000 |
| Testing | 836 | 3,467 | 0.61% | 3,000 |
| Awards/Graduation | 67 | 1,120 | 0.20% | 0 |
| **Total Supplies** | $6,425 | $84,840 | 14.84% | $91,000 |
| **Capital Outlay:** | | | | |
| Office Equipment | 2,557 | 11,639 | 2.04% | 8,500 |
| Instructional Equipment | 1,261 | 26,525 | 4.64% | 21,500 |
| **Total Capital Outlay** | $3,818 | $38,164 | 6.68% | $30,000 |
| **Facility Costs:** | | | | |
| Natural Gas | 0 | 1,883 | 0.33% | 4,000 |
| Electricity | 0 | 4,540 | 0.79% | 6,600 |
| Water/Sanitation | 0 | 2,380 | 0.42% | 3,400 |
| **Total Facility Costs** | $0 | $8,803 | 1.54% | $14,000 |
| **PROGRAM TOTALS** | $58,113 | $597,623 | 104.54% | $615,000 |
| **REVENUE OVER EXPENSES** | ($465) | ($25,964) | -4.54% | ($10,771) |

Note 1:Reminder: $65,000 start-up allowance is reflected in the bottomline. The district has allowed a $43,000 loss in year one of operation, a cumulative loss of $21,000 at the end of year two, and no cumulative loss at the end of three years. Jefferson Academy is well ahead of target at the end of its first year in regards to this arrangement.

Note 2:Staff costs (salaries and benefits) were 80.25% of the budget. Special Education costs were 8.54% of the budget. This was offset by a modest special education reimbursement of $11,089. This would reduce special education costs to 6.3% of the operating budget. Special education costs will increase significantly in year two of operation.

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# Jefferson Academy
## Income, Expense, and Budget Statement as Reflected by District
## For Year Ending, June 1996 (Audited)

| | Jun-96 | Year End | % | 95-96 Budget | % Used |
|---|---|---|---|---|---|
| **REVENUE** | | | | | |
| PPOR Allocation | $53,394 | $656,904 | 89.92% | $656,904 | 100% |
| Special Education Reim. | 11,962 | 11,962 | 1.64% | 12,000 | 100% |
| Textbook Fees | 0 | 5,806 | 0.79% | 5,000 | 116% |
| Outdoor Lab 96-97 | 0 | 1,759 | 0.24% | 0 | NA |
| Outdoor Lab Fees | 0 | 3,138 | 0.43% | 3,250 | 97% |
| CDM Funds | 0 | 700 | 0.10% | 700 | 100% |
| At-Risk Funds | 0 | 300 | 0.10% | 300 | 100% |
| Technology Funds | 0 | 2,075 | 0.28% | 2,075 | 100% |
| Donations | 0 | 7,760 | 1.06% | 5,000 | 155% |
| Other Revenue | 363 | 10,119 | 1.39% | 750 | 1349% |
| Payback Revenue | 30,000 | 30,000 | | | |
| **TOTAL REVENUES** | $95,719 | $730,523 | 100.00% | $685,979 | 106% |
| **EXPENDITURES** | | | | | |
| **Salaries:** | | | | | |
| Administration (2 FTE) | $4,007 | $69,549 | 9.52% | $69,500 | 100% |
| Special Education (1.2 FTE) | 3,179 | 40,076 | 5.49% | 38,368 | 104% |
| Teachers (9 FTE) | 20,406 | 232,849 | 31.87% | 228,218 | 102% |
| Educational Assistants (10) | 9,353 | 71,967 | 9.85% | 71,500 | 101% |
| Custodian (1 FTE) | 652 | 20,220 | 2.77% | 21,000 | 96% |
| Substitutes | 1,480 | 5,172 | 0.71% | 5,000 | 103% |
| **Total Salaries** | $39,077 | $439,833 | 60.21% | $433,586 | 101% |
| **Benefits:** | | | | | |
| Special Education | 737 | 8,905 | 1.22% | 9,000 | 99% |
| Staff | 7,735 | 91,348 | 12.50% | 96,800 | 94% |
| **Total Benefits** | $8,472 | $100,253 | 13.72% | $105,800 | 95% |
| **Purchased Services:** | | | | | |
| Mileage/Travel | 98 | 1,427 | 0.20% | 1,000 | 143% |
| Employee Training | 835 | 6,024 | 0.82% | 3,000 | 201% |
| Outdoor Lab Fees | 0 | 417 | 0.06% | 3,250 | 13% |
| Printing | 17 | 347 | 0.05% | 1,000 | 35% |
| League Fees | 0 | 1,000 | 0.14% | 0 | NA |
| Special Ed. Services | 3,071 | 8,614 | 1.18% | 15,000 | 57% |
| Library/Film | 4 | 2,396 | 0.33% | 500 | 479% |
| Maint./Equip. Repair | 2,588 | 5,813 | 0.80% | 1,000 | 581% |
| Telephone | 271 | 3,002 | 0.41% | 1,500 | 200% |
| CDM Expenses | 0 | 363 | 0.05% | 700 | 52% |
| At-Risk Expenses | 300 | 300 | 2.96% | 300 | 100% |

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| | | | | | |
|---|---|---|---|---|---|
| District Tech. Funds | 0 | 1,890 | 0.26% | 2,075 | 91% |
| Postage | 193 | 1,172 | 0.16% | 750 | 156% |
| Insurance(WC & UI) | 0 | 4,947 | 0.68% | 9,000 | 55% |
| **Total Purchased Services** | $7,377 | $37,712 | 5.16% | $39,075 | 97% |

## Supplies/Materials:

| | | | | | |
|---|---|---|---|---|---|
| Contingency | 0 | 0 | 0.00% | 12,500 | 0% |
| Office Supplies | 259 | 4,322 | 0.59% | 3,500 | 123% |
| Clinic | 199 | 455 | 0.06% | 500 | 91% |
| Custodial Supplies | 558 | 1,509 | 0.21% | 2,500 | 60% |
| Instructional | -130 | 21,183 | 2.90% | 20,000 | 106% |
| Art | 28 | 2,002 | 0.27% | 2,000 | 100% |
| PE Equipment | 0 | 2,453 | 0.34% | 2,000 | 123% |
| Music | 19 | 2,012 | 0.28% | 2,000 | 101% |
| Textbooks | 64 | 11,377 | 1.56% | 10,000 | 114% |
| Copier | 539 | 8,906 | 1.22% | 4,500 | 198% |
| Testing | 0 | 2,991 | 0.41% | 3,000 | 100% |
| Awards/Graduation | 254 | 1,709 | 0.23% | 750 | 228% |
| **Total Supplies** | $1,790 | $58,919 | 8.07% | $63,250 | 93% |

## Capital Outlay:

| | | | | | |
|---|---|---|---|---|---|
| Office Equipment | 0 | 3,454 | 0.47% | 5,000 | 69% |
| Instructional Equipment | 486 | 20,711 | 2.84% | 20,000 | 104% |
| **Total Capital Outlay** | $486 | $24,165 | 3.31% | $25,000 | 97% |

## Facility Costs:

| | | | | | |
|---|---|---|---|---|---|
| Natural Gas | 1,481 | 3,444 | 1.48% | 4,000 | 86% |
| Electricity | 1,849 | 6,077 | 2.61% | 6,600 | 92% |
| Water/Sanitation | 204 | 2,127 | 0.91% | 3,000 | 71% |
| Building Improvement | 0 | 956 | 1.33% | 0 | NA |
| **Total Facility Costs** | $3,534 | $11,648 | 1.59% | $13,600 | 86% |

| | | | | | |
|---|---|---|---|---|---|
| **PROGRAM TOTALS** | $60,736 | $672,530 | 92.06% | $680,311 | 99% |
| **REVENUE OVER EXPENSES** | $34,983 | $57,993 | 7.94% | $5,668 | |

Note: Through two years of operation, Jefferson Academy has a positive income/expenses bottomline of $32,029.

# Proposed Budget

# for

# 1997-1998

## Projected Budget for Jefferson Academy
## 1997-98

| | 97-98 Budget |
|---|---|
| **REVENUE** | |
| PPOR Allocation | $910,629 |
| Special Education Reim | 16,000 |
| Textbook Fees | 6,000 |
| Outdoor Lab 97-98 | 3,500 |
| Outdoor Lab Fees | 1,500 |
| CDM Funds | 500 |
| At-Risk Funds | 500 |
| Technology Funds | 0 |
| Donations | 3,000 |
| Other Revenue | 2,000 |
| **TOTAL REVENUES** | $943,629 |
| | |
| **EXPENDITURES** | |
| **Salaries:** | |
| Administration (2 FTE) | $81,000 |
| Special Education (2 FTE) | 70,000 |
| Teachers (12 FTE) | 350,000 |
| Educational Assistants (16) | 108,000 |
| Custodian (1.75 FTE) | 32,000 |
| Substitutes | 6,000 |
| **Total Salaries** | $647,000 |
| | |
| **Benefits:** | |
| Special Education | 14,000 |
| Staff | 120,000 |
| **Total Benefits** | $134,000 |
| | |
| **Purchased Services:** | |
| Mileage/Travel | 2,000 |
| Employee Training | 5,000 |
| Outdoor Lab Fees | 3,000 |
| Printing | 750 |
| League Fees | 500 |
| Special Ed. Services | 7,000 |
| Library/Film | 1,500 |
| Maint./Equip. Repair | 2,000 |
| Telephone | 3,500 |
| CDM Expenses | 500 |

| | |
|---|---|
| At-Risk Expenses | 500 |
| District Tech. Funds | 0 |
| Postage | 1,500 |
| Insurance(WC & UI) | 7,000 |
| **Total Purchased Services** | $34,750 |
| **Supplies/Materials:** | |
| Contingency | 12,000 |
| Office Supplies | 3,750 |
| Clinic | 500 |
| Custodial Supplies | 2,500 |
| Instructional | 30,000 |
| Art | 2,500 |
| PE Equipment | 2,200 |
| Music | 2,200 |
| Textbooks | 18,000 |
| Copier | 8,500 |
| Testing | 3,000 |
| Awards/Graduation | 1,700 |
| **Total Supplies** | $86,850 |
| **Capital Outlay:** | |
| Office Equipment | 3,000 |
| Instructional Equipment | 17,000 |
| **Total Capital Outlay** | $20,000 |
| **Facility Costs:** | |
| Natural Gas | 5,000 |
| Electricity | 8,000 |
| Water/Sanitation | 5,000 |
| Building Improvement | 3,000 |
| **Total Facility Costs** | $21,000 |
| PROGRAM TOTALS | $943,600 |
| REVENUE OVER EXPENSES | $29 |

Revenue based on 261 Students @ $3,489 (of which 40 are half-day Kindergarten students)

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# General Session: Governance and Management

**Key Issues:**

1. Different models of governance
2. Pros and cons of different models
3. Dangers of micro-management
4. Leadership skills
5. Role transition

**Goals:**

1. Operational and pre-operational participants will learn about governance and management issues
2. Participants will gain knowledge of different governance models
3. Participants will develop understanding of the pros and cons of different models
4. Participants will be able to avoid major governance problems in their own schools

**Instructional Resources:**

Jefferson Academy Charter School. Board Manual. Jefferson County, Colorado.

Cheung, S. and Nathan, J. (1997). Preliminary Observations On Charter School Governance. (612) 626-1834. scheung@hhh.umn.edu or natha001@maroon.tc.umn.edu

Characteristics of effective organizations

Governing Board Evaluation

Academy Charter School. (1997). Sustaining Momentum, Avoiding and Surviving Burnout. Charter School National Conference, Washington D.C. Nov 3-5, 1997.

Pueblo School for the Arts and Sciences. (1994). Proposed bylaws.

**Additional Resources:**

Bank Street College of Education. (1987). Monroe Management Manuel. New York, New York.

Carver, J. (1990). Boards that make a difference. Jossey Bass. San Francisco, California.

Chait, R. P. (1994). How to Help Your Board Govern More and Manage Less. National Center for Nonprofit Boards. Washington DC.

Chrislip, D. D. & Larson, C. E. (1994). Collaborative Leadership. Jossey-Bass. San Francisco, California.

Holmgren, N. (1994). 10 Minutes to Better Board Meetings. Planned Parenthood Federation of America. San Francisco, California.

Ingram, R. T. (1988). Ten Basic Responsibilities of Nonprofit Boards. National Center for Nonprofit Boards. Washington DC.

National Association of Independent Schools. (1998). Principles of Good Practice for Member Schools. Washington DC.

National Center for Non-Profit Boards (NCNB). NCNB advice and answers. Washington DC.

National Center for Non-Profit Boards (NCNB). NCNB's Board Information Center answers your questions. [Online] Available: http://www.ncnb.org/faq.html

Smith, B. W. (1998). Thoughts on Writing School Board Policies. NSBA Council of School Attorneys. State Association Counsel Meeting April 2, 1998

Stoesz, E. & Rabin, C. Doing good better? How to be an effective board member of a non-profit organization. National Center for Non-Profit Boards (NCNB). Washington DC.

**Session Structure:**

1. Outline various organizational models used in school management.
2. Separate groups according to operational status. Two concurrent sessions (pre-operational and operational) will be interactive discussions/seminars.

# Curriculum Outline for:
## General Session: Governance and Management

I. **Importance of a Governing Board/Organization**
   - A. Provides a framework for decisionmaking
      1. The framework is known and accepted
      2. The framework is compatible with the vision

   - B. Defines roles and helps the transition from planning to operation
      1. Structures the transition
      2. Avoids conflicts of interests
      3. Avoids problems of micro-management
      4. Parents, teachers, and community members know who to talk to
      5. Provides a face of accountability

   - C. Basis for legal entity (allows the school to engage in contracting, services, loans, hiring)

   - D. Creates a policymaking process (schools need some policies)

II. **Governing Boards/Organizations**
   - A. Types
      1. Local school boards
      2. Site councils
      3. Hierarchical
      4. Non-hierarchical—collaborative
      5. Others

   - B. Whatever the type of governing organization, certain issues should be addressed:
      1. Relationships in the organization should be clearly stated and understood.
      2. Policies need to be clearly stated
         - a. State who is responsible
         - b. State who is to be held accountable and/or evaluated
         - c. State the specific organizational structure

   - C. Characteristics of an effective organization
      1. Clear statement of purpose
      2. Decentralized decisionmaking process
      3. Relatively simple organization, without multiple levels of bureaucracy
      4. Flexible and able to adapt to changing situations
      5. Stays true to the mission, vision, or purpose
      6. Considers the clients' (students') needs at all times

III. **Management Styles**

- A. Dangers of micro management

- B. Pros and cons for different models
  - 1. Organizations that lack hierarchy
    - a. Advantages: More collaboration, freedom, autonomy, peer-based decisionmaking
    - b. Disadvantages: Unclear leadership; lack of understanding of who is responsible and/or accountable
  - 2. Hierarchical organizations
    - a. Advantages: Clear leadership; clear understanding of accountability and responsibility
    - b. Disadvantages: It's the same old system; teachers don't feel ownership; parents might feel alienated

IV. **Specific Governing Board Model**—John Carver's *Boards That Make a Difference*

- A. Composition
  - 1. School board of directors—responsible for making value and long-range decisions
  - 2. Committees formed by school board for all relevant areas—responsible for recommending policy and schoolwide decisions
  - 3. CEO (Administrator)—in charge of day-to-day operations
  - 4. Advisory board—advises board and provides access to other expertise and resources

- B. Composition of the school board
  - 1. Broad constituency
  - 2. Members who share similar values and have an interest in the school
  - 3. Parents, teachers, community members, business leaders
  - 4. Members with diverse experience and a variety of talents and expertise

- C. CEO (Administrator)
  - 1. Reports to the board
  - 2. The CEO is the face of the school
  - 3. The CEO makes day-to-day decisions
  - 4. CEO hires the staff

- D. Committees and policymaking
  - 1. Report to the board
  - 2. Formed for specific tasks or as standing committees for long-range issues
  - 3. Develop policies to meet state and federal requirements as well as to develop an internal organizational structure

- E. Sponsor relationship
  - 1. Between governing board and school board
  - 2. Between sponsor and school

V. **Description of the Governance Board:** What should be in the by-laws?

A. Description of the powers of the board

B. The number of members on the board and their characteristics

C. Process by which board is elected or formed (list of officers, their role and term)

D. Designation of advisory board (if applicable)

E. Designation of meetings
   1. Type, time, recognition of open meeting laws, attendance
   2. State specific laws regarding public meetings
   3. Notice of and action at meetings

F. Committees
   1. Designation
   2. Types
   3. Nominating process

G. Relationship to staff
   1. Day-to day operations
   2. Hiring
   3. Use of a CEO/Administrator

# Session A: Leadership

**Key issues:**

1. Leadership issues
2. Organizational models

**Goals:**

1. Participants will learn about leadership skills
2. Participants will be given opportunities to share experiences

**Additional Resources:**

Bolman, L. G. & Deal, T. E. (1997). Leadership and organizational vitality. Working paper. Benchmarks for schools. OERI.

Leadership is the Art of Getting Along with People to Achieve Purpose with an Organization. Presentation overheads.

**Session Structure:**

1. Begin with a discussion of leadership skills for the founders of charter schools.
2. Move participants toward an interactive discussion focusing on sharing experiences and ideas for successful governance and board management.

# Curriculum Outline for:
# Session A: Leadership

I. **Leadership**

- A. Charter schools present new opportunities for leadership
  - 1. New models of school leadership
  - 2. New types of organizations
  - 3. New leaders create new possibilities

- B. New patterns of management and governance require:
  - 1. A new conception of leadership; or
  - 2. An evaluation of leadership

- C. What is leadership?
  - 1. Collaboration among leaders, peers/constituents, and community
  - 2. Not always top-down; rather, a process of "reciprocal influence"
  - 3. School leadership from Effective Schools study
    - a. Collaborative process with multiple stakeholders
    - b. Leaders communicate a focused educational vision
    - c. Leaders combine leadership and management skills
      - 1. Set agendas
      - 2. Map out political environment
      - 3. Network and form coalitions
      - 4. Bargain and negotiate
    - d. Leaders become effective political leaders
    - e. Leaders symbolize the vision
    - f. Leaders need ideas and flexibility

- D. Collaborative leadership
  - 1. A collaborative, fully integrated level of involvement and participation
  - 2. A peer-based, amateur/insider source of knowledge and collaborative leaders willing and capable of developing peer-based, active relationships among diverse stakeholders
  - 3. A complex partnership structure that includes multiple partners and multiple partnership levels
  - 4. A strong emphasis on the community as the change agent, with particular focus on the school as a main component, or asset, contributing to community work
  - 5. A goal orientation that is both process oriented (build social capital) and task oriented (utilization of social capital to attain specific community defined goals)

# Session B: Transitions

**Key issues:**

1. Role transition
2. Organizational models

**Goal:** Participants will develop a plan for successful transitions from pre-operations to the operational stage

**Additional Resources:**

Chait, R. P. (1994). How to Help Your Board Govern More and Manage Less. National Center for Nonprofit Boards. Washington DC.

Holmgren, N. (1994). 10 Minutes to Better Board Meetings. Planned Parenthood Federation of America. San Francisco, CA.

Ingram, R. T. (1988). Ten Basic Responsibilities of Nonprofit Boards. National Center for Nonprofit Boards. Washington DC.

**Session Structure:**

1. Begin with a discussion of the role transition for operational charter schools.
2. Move participants toward an interactive discussion focusing on sharing experiences and ideas for successful governance and board management.

# Curriculum Outline for:
# Session B: Transitions

I. **Role transition**
  A. Transition from the planning stage to the operational stage
    1. Begins when staff are hired
    2. Begins when planning members take on the role of staff and teachers

  B. The shift
    1. The shift is from a consensual agreement among peers (the board) to:
      a. A hierarchical/contractual agreement between the charter granting agency, the governing board, staff, and parents; or
      b. A peer based day-to-day relationship with full collaboration (the staff and the board members are one and the same)
    2. The shift is from planning to policymaking
      a. Roles are established
      b. The culture of the school is defined through day-to-day action

  C. Questions to consider
    1. How to pass on power
    2. Should a founder be on a governing board or on the staff?
    3. What is the relationship between founders and board and day-to-day operators?
    4. Do all the founders want to remain involved in the school, or on the board?
    5. What skills and areas of expertise are needed in different stages of development?

  D. Suggestions
    1. Hold a retreat right before the opening of the school
      a. For board members and/or all the school including parents and students
      b. Revisit the mission
    2. Undergo board training and team building

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# Jefferson Academy

# Board Manual

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# MISSION STATEMENT

The mission of Jefferson Academy is to help students attain their highest social and academic potential through an academically rigorous, content rich educational program.

Commentary-

This mission will be accomplished in the context of discipline and respect, a high degree of parental involvement, and a fundamental education utilizing the Core Knowledge and Open Court curricula as a basis for the scope and sequence.

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# JEFFERSON ACADEMY
## Board Member Profile Agreement

Jefferson Academy Board of Directors shall have a firm belief in the fundamental, traditional format and be committed to using the Core Knowledge and Open Court curriculums. Directors shall be fully committed to the charter school concept.

The purpose of the Board of Directors is to set the general direction and policy of the school, not manage it on a daily basis. Board members shall be able to direct, carry out the Jefferson Academy vision, foster relationships with staff, the school community and the community at large, and oversee the budget.

**Qualifications**

- read Professor E.D. Hirsch's book "Cultural Literacy" and agree with the principle that our society has a foundation of knowledge upon which subsequent learning is built
- be familiar with the Core Knowledge Scope and Sequence
- understand the curriculum used in Open Court
- be in agreement with the educational philosophy, discipline policy and administrative structure of our school

All board members should attend at least two PTO meetings a year to show support and encouragement for that vital aspect of our school. JA board members will not serve on the PTO board. Board members may chair and serve on committees of the PTO.

Prior board experience is helpful. A high value for professionalism and the success of the school is mandatory. Motivation for serving on the board shall be to help facilitate the educational success of students.

All board members are required to attend a yearly board conference where the goals of the board are defined, a board self-evaluation critiqued, outside speakers present information on effective board leadership and other pertinent topics are discussed.

The board will annually attend a Board Visit Day. During this time, directors will visit classrooms, talk with the staff and become familiar with current school concerns.

The board will perform an annual self-evaluation. Goals for the next year will also be determined at that time.

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Directors shall fulfill their responsibilities on the board, board committees or subcommittees to their fullest capability.

All board members should remember that public relations is one of their roles as a director.

### Behavioral Expectations

Board members shall abide by the open meetings law [C.R.S. 24-6-401 through 402]. The opening meetings law states that anyone discussing board business, policy, actions, resolutions, etc. with anyone else on the board, except at regularly scheduled meetings, is illegal. "Meeting" with another board member is defined as communication through person, telephone, or any other means. Confidentiality law is also outlined in this section of the statute. Personnel matters, individual students, and negotiations are confidential by law.

Expectations include a professional demeanor at all board meetings. Issues being discussed shall not be personalized and directed toward any other board member, staff member, parent or anyone else. Discernment should be used in interpersonal relationships and communications.

Board members shall respect and listen to ideas being presented by other board members. Board members fulfilling their responsibilities to their fullest potential shall be encouraged by each of the directors.

When receiving criticisms from parents or other interested parties about staff or other board members, the board member shall direct the speaker to the board member/staff member which the situation involves. Board members will never speak negatively about staff or other board members to the school community, or parties outside the school community.

Conflicts shall be resolved with the person with which it was created. Board members will commit to resolving conflict directly with each other or with the appropriate staff member and not share the conflict with anyone outside of the conflict, including, but not limited to other parents, other staff members or the media.

Board members shall exemplify integrity, honesty and respect. A dedication and commitment to the vision of Jefferson Academy and the charter school movement shall be top priority for any board member. Any board member finding themselves involved in an unresolvable conflict shall put the vision of the school first.

A board member missing more than two or more board meetings without prior approval for their absence from at least two other board members, shall receive a notice of probation. Missing a third meeting without prior approval is considered a resignation by that board member.

All board meetings shall be governed according to appropriate parliamentary procedure.

## Governance of Jefferson Academy

JA shall be governed by a Board of Directors. The Principal of JA shall answer directly to the board and serve at the pleasure of the board. The Principal shall make decisions on a day-to-day basis and fulfill all administrative duties for the school. The board will maintain the vision and steer the school's direction as it carries out the Mission Statement.

As with all charter schools, Jefferson Academy, is an entity separate from the school district in the area of governance. This unique characteristic of charters shall be guarded by each board member.

Board members should remember that derogatory statements concerning matters regarding Jefferson Academy in a public format tend to bring disrepute on the school as a whole and could be counter productive to not only Jefferson Academy, but also the Colorado charter school movement. If a director questions a decision, he or she shall immediately take that concern or disagreement to the administrator in a confidential and diplomatic format. Likewise, the Principal shall agree to the same commitment. Respect for each other shall remain constant. In agreement with School Rule #1, all communications shall be honoring to one another.

While at the school, board members shall be mindful of the different roles they play: parent, volunteer, board member, etc. A board member will not use their position of authority while acting in their parent or volunteer roles. Directors shall foster good relationships with the administrator and staff on a personal level. With humility, each board member will serve the best interests of the school.

Board members shall remember that stepping out of their advisory/board capacity and attempting to run the school as an administrator, will always cause problems.

The vision and mission statement of Jefferson Academy, a fundamental charter school, will serve to guide and direct the board of directors. The goal to continually improve, maintain integrity, serve JA families and ensure academic success for our students shall take precedence in all situations.

Signed, this _____ day of ________, 19__.

______________________________

Board Member, Jefferson Academy

# GOVERNANCE

JA Board of Directors*

Administrator

Staff

---

* Parents of Jefferson Academy are stake holders and have thus elected a Board of Directors.

** The Jefferson County R-1 School district has granted this charter.

# RESPONSIBILITIES AND DUTIES OF DIRECTORS

The board is responsible for:

1. implementing the mission statement as well as the school's philosophy and objectives. This philosophy should be read on a regular basis and taken into consideration whenever possible changes of policy are under discussion.
2. establishing policies for operation of Jefferson Academy, ensuring that the provisions of the corporation's Articles of Incorporation, Bylaws and the contract with the Jefferson County School Board are being followed.
3. establishing fiscal policy and boundaries, with budgets and financial controls for the school.
4. selecting a new Principal when needed.
5. establishing the policies under which the Principal will administer the school.
6. establishing necessary working committees and being sure that all members are actively involved in appropriate committee assignments.
7. periodic evaluations of the school, taking into consideration the school's stated philosophy and goals.
8. conducting a written annual evaluation of the performance of the Principal and establishing goals for the following year.
9. conducting a written annual self-evaluation, including consideration of whether the board and its committees are independently knowledgeable concerning school matters or are relying too heavily upon the Principal and other staff for guidance.
10. keeping full and accurate minutes of its meetings and those of its committees.
11. maintaining a policy book so that governing decisions made over a period of years may be readily available to subsequent leadership and administrators.
12. developing and maintaining a communication link to the community, promoting Jefferson Academy's uniqueness as a charter school and the traditional education philosophy.
13. serving on one board committee or ad hoc committee.

Remember that each director has no individual authority, it is only as a collective board that there is authority.

Each director should regularly attend monthly board meetings.

# STANDING COMMITTEE OF THE BOARD

## Teacher Review Committee

The Teacher Review Committee (TRC) will be responsible for reviewing the classroom performance of all classroom instructors (full and part time). Eight times a year members of the TRC will conduct a formal observation based on a set of established guidelines. The TRC will observe as many instructors as possible during that day. Full time instructors will be observed a minimum of eight times per year, and part time instructors will be observed a minimum of three times per year. Each instructor will be observed by members of the TRC working as a team to draft an evaluation. Educational Assistants will be evaluated at least two times per year in a joint effort with the classroom instructor and the principal. All observations will become a part of each instructor's permanent personnel file.

# APPENDIX

The following documents may be reviewed at the Jefferson Academy office:

1. Articles of Incorporation
2. Bylaws
3. Previous meeting minutes

October 31, 1997

# *Preliminary Observations On Charter School Governance*

By Stella Cheung and Joe Nathan

CENTER FOR SCHOOL CHANGE

The Center for School Change at the University of Minnesota's Humphrey Institute of Public Affairs is conducting a national review on charter school governance and student assessment. Participating charter schools were nominated by their Charter School Administrator at the State Department of Education. Thirty charter schools nationwide were nominated as having a well-developed governance system. To date, 25 charter school directors in nine states (Arizona, California, Colorado, Georgia, Massachusetts, Michigan, Minnesota, New Mexico, and Texas) have been interviewed by phone. We asked charter school directors five questions regarding their governance system: 1) What structure is used to govern your charter? 2) Do you have a written document that explains which decisions are made by whom? 3) What do you like most about your governance structure? 4) What do you like least about your governance structure? 5) What changes would you like to see in the next few years?

## Preliminary Findings

- The governing board ranged from 15 members to three members, depending generally on the size of the charter school. The majority of charter schools have community members, parents, and teachers on their governing board. One-fourth of the charter schools included students on their governing board. Three charter schools were governed by community members only and one charter school was governed by all teachers. Overall, most charter schools had diverse membership on their governance board.

- Fifty-six percent of the charter schools interviewed had a written document that explains which decisions are made by whom (i.e. governing board, administrator, parents, faculty/staff, etc.). Many charter school directors indicated that the duties and responsibilities of the governing board were clarified verbally.

- The governance models are very diverse. Over half of the charter schools have a governance model consisting of a board of trustees, committees, and parent/student councils. Generally, the board of trustees makes policy decisions only. The committees and councils make recommendations and the board of trustees makes the final decision. In most cases, day-to-day decisions are made by the principal/director. Overall, charter school governance is a collaborative effort and includes school staff, parents, students, and community members.

- Many charter school directors felt that their governance structure allowed all members to voice their opinions. Although most directors felt this to be necessary, the process of getting everyone's opinion is hard to manage. Attending board meetings, committee meetings, and council meetings is very time consuming for charter school directors.

- Many charter schools had modified their governance structure. A few charter schools were in operation for many years prior to becoming a charter. These schools had years of experience in developing their governance system. Some of these charters were created by non-profit organizations which already had a board of trustees. In some cases, these organizations create new boards to govern their charter. In other cases, the existing board also governs the charter.

- Most governance models reflect state laws. Minnesota's charter law, for example, states that the governing board must have a majority of teachers for members. This in turn limits the membership of parents, students, and community leaders who can be board members.

## Preliminary Recommendations

1. Establish a written document that explains who is responsible for which decisions.
2. Clarify the duties and responsibilities of the governing board, committees, and council members.
3. Implement time management strategies for meetings to avoid focusing on one issue for an excessive amount of time.
4. Have a set agenda on what will be discussed in a given meeting.
5. Establish ground rules for reaching a decision when members differ on key issues.
6. Don't set up complex governing structures where the decision making process is diffused.
7. The governance structure should reflect the size of the school.
8. Include community members on the governing board. Including community members on the governing board can provide the charter with a lot of expertise.
9. Remember that the school's goal is to improve student achievement. Governance is not a goal, it is a means to reach the overall school goals. Having numerous, lengthy meetings can exhaust people and distract them from the school's overall goals.

This study was supported by grants from the Annenberg and Blandin Foundations. The preliminary findings are solely those of the authors, and do not reflect the opinions of these foundations' trustees or staffs. We welcome any suggestions or comments. Please feel free to contact Stella Cheung or Joe Nathan at (612)626-1834, or send an email message to scheung@hhh.umn.edu or natha001@maroon.tc.umn.edu.

## Characteristics of Effective Organizations

1. The organization has a clear statement of purpose, a reason for being, with its set of goals well understood and accepted by most, if not all, members of the organization.
2. The organization is flexible and structured to adapt to changing conditions in the environment in which it operates. It is future-driven rather than past oriented. Appreciate the past, but not bound by it.
3. Goal setting and decision-making are widespread and generally decentralized. Staff and students tend to have "ownership" of the decisions that affect them.
4. The organization is action oriented, and does not try to wish away or hide problems.
5. The organization has a simple structure, and a "lean" not "fat" staff.
6. The organization emphasizes and continues doing what has been successful, but is tuned in to performance and is willing to drop or significantly alter programs/services that are failing.
7. The organization continually emphasizes and promotes constant customer [student] contact at all levels.

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8. The organization holds to high moral, ethical and legal standards and values and responds swiftly to violators. It is regarded as a good community citizen.

9. Employees are highly regarded as individuals, seen as partners and given the chance to develop and assume larger roles. Their successes are publicly recognized in a wide variety of ways. Employees are enthusiastic about their jobs and the school, and care about the quality of their work and their products [students]. Employees are given as much autonomy as possible to determine how they do their work, and they know how it ties in to the overall mission of the school.

DRAFT: 11/08/94

# GOVERNING BOARD EVALUATION

The following statements describe an effective assessment of a good Governing Board. Individual board members are encouraged to go through each section and rate each statement as part of our self analysis. The Dean, Teachers, and Staff are also requested to use this evaluation tool. Ultimately, some portions of this evaluation should also be presented to the parent population.

The purpose of all evaluation is to establish goals and improve performance. The School is seeking to become a "School of Excellence," and in keeping with that goal, an evaluation of all aspects of the school is a significant step in reaching our goals

Please note that you are evaluating the board as a whole, not individual members. Therefore, your responses should be based on how you see the total board, although one member's behavior can raise or lower your rating of the entire board.

Rate each function as S (Satisfactory) or N (Needs improvement):

## I. RELATIONSHIP WITH DEAN

____ 1. Establishes written policies for the guidance of the Dean in the operation of the school.

____ 2. Provides the Dean with a clear statement of the expectation of performance and personal qualities against which he/she will be measured periodically.

____ 3. Develops confidence in the Dean by inviting communication from the Dean.

____ 4. Reaches decisions only on the basis of study of all available background data and consideration of the recommendation of the Dean.

____ 5. Requests information through the Dean and only from staff members with the knowledge of the Dean.

____ 6. Provides a climate of mutual respect and trust offering commendation whenever earned and constructive criticism when necessary.

____ 7. Matters tending to alienate either board members or Dean are discussed immediately rather than being permitted to fester and deteriorate.

____ 8. Provides opportunity and encouragement for professional growth of the Dean.

____ 9. Provides time for the Dean to plan.

____ 10. Takes the initiative in maintaining a professional salary for the Dean comparable with salaries paid for similar responsibility in and out of the profession.

## II. COMMUNITY RELATIONS

____ 1. Encourages attendance at board meetings

____ 2. Actively fosters cooperation with various news media for the dissemination of positive information about the school.

____ 3. Insures a continuous planned program of public information regarding the school.

____ 4. Participates actively in community affairs.

____ 5. Channels all concerns, complaints, and criticisms of the school through the Dean for study and reports back to the board if action is required.

____ 6. Protects the Dean from unjust criticism and the efforts of local special-interest groups.

____ 7. An individual board member does not commit himself/herself to a position in answer to an inquiry or in public statements unless board policy is already established and clear or the question addressed to him/her requires merely a recitation of facts about the school.

____ 8. encourages citizen participation in an advisory capacity in the solution of specific problems.

____ 9. Is aware of community attitudes and the special-interest groups which seek to influence the school's program.

____ 10. Takes leadership in developing a school-wide effort to find and persuade its most capable members to file for candidacy for the Governing Board.

## III. BOARD MEETINGS

____ 1. Has established written procedures for conducting meetings which include provisions for the public to be heard but prevents a single individual or group from dominating discussions.

____ 2. Conducts its meetings in such room and seating arrangement as to allow the school's business affairs to be conducted by the Governing Board. the audience is placed in such a position as to make a clear line of demarcation between themselves and the Board.

____ 3. Selects a chairman on the basis of his or her ability to properly conduct a meeting rather than on seniority or rotation.

____ 4. New items of a complex nature are not introduced for action if they are not listed on the agenda but are presented for listing on a subsequent agenda.

____ 5. Definitive action is withheld until asking if there is a staff recommendation and what it is.

____ 6. Care is used in criticizing a staff recommendation in terms of implying a criticism of the Dean or member of his/her staff.

____ 7. The privilege of holding over matters for further study is not abused.

____ 8. Each member makes a sincere effort to be informed on all agenda items listed prior to the meeting.

____ 9. When a board members misses a meeting, he/she makes an effort to find out what items were discussed and actions taken.

____ 10. Controversial, complex, or complicated matters are held over or placed on the agenda for discussion only prior to consideration for adoption.

## IV. STAFF AND PERSONNEL RELATIONSHIPS

____ 1. Develops sound personnel policies involving the staff when appropriate.

____ 2. Authorizes the employment or dismissal of staff members in conjunction with the recommendation of the Dean.

____ 3. Makes provision for the complaints of employees to be heard, and after full study, if staff dissatisfaction is found to exist, takes action to correct the situation through appropriate administrative channels.

____ 4. Displays a deep sense of loyalty to associates and respect for group decisions cooperatively reached.

____ 5. Displays respect for and interest in people and ability to get along with them.

____ 6. Shows a willingness to work through defined channels of authority and responsibility.

____ 7. The board devotes the necessary time to become an effective Governing Board.

____ 8. Is receptive to suggestions for improvement of the school originating with the staff and approved by the Dean.

____ 9. Encourages professional growth and increased competency of staff through:

   a. Attendance at staff meetings;
   b. Attendance at educational conferences/meetings; and
   c. Training on the job.

____ 10. Makes the staff aware of the esteem in which it is held.

____ 11. Provides a written policy protecting the academic freedom of teachers.

## V. RELATIONSHIP TO THE INSTRUCTIONAL PROGRAM

____ 1. Understands the instructional program.

____ 2. Realistically faces the ability of the community to support a quality education for its children.

____ 3. Encourages the participation of the professional staff and school community in the development of the curricula.

____ 4. Weighs all decisions in terms of what is best for the students.

____ 5. Provides a policy outlining the school's educational objections against which the instructional program can be evaluated.

___ 6. Keeps abreast of new developments in course content and teaching techniques through attendance and participation in applicable conferences and meetings of other educational groups and by reading selected books and periodicals.

## VI. RELATIONSHIP TO FINANCIAL MANAGEMENT OF THE SCHOOL

___ 1. Equates the income and expenditures of the school in terms of the quality of education that should be provided and the ability of the budget to support such a program.

___ 2. Takes the leadership in suggesting and securing community support for additional financing when necessary.

___ 3. Establishes written policies which will insure efficient administration of purchasing, accounting, payroll procedures, and the insurance program.

___ 4. Authorizes individual budgetary allotments and special non-budget expenditures only after considering the total needs of the school.

___ 5. Makes provisions for long-range planning for acquisition of sites, additional facilities, plant maintenance, etc.

## VII. PERSONAL QUALITIES

___ 1. A sincere and unselfish interest in public education and in the contribution it makes to the development of children.

___ 2. A knowledge of the community which the school is designed to serve.

___ 3. An ability to think independently, to grow in knowledge, to rely on fact rather than prejudice, and a willingness to hear and consider all sides of a controversial question.

Charter School National Conference, Washington, D.C., November 3-5, 1997

**ACADEMY CHARTER SCHOOL**

Castle Rock, CO

# SUSTAINING MOMENTUM, AVOIDING AND SURVIVING BURNOUT

## Avoiding Teacher Burnout

- Limit number of outside tasks/ obligations assigned
- Office organization and planning to assist teacher paperwork
- Incentive pay
- Class scheduling
- limit faculty meetings and times, clear agendas
- Relax, your lack of organization does not mean crisis for me
- A crisis is a situation that *can't* be resolved - drop the "t" from can't
- Don't sweat the small stuff; take time to relax
- Have a sense of humour and use it daily
- Change teaching assignments
- When its time for a break, take it! Be protective of break time
- Take time for "personal reward" activities every weekend
- Have a sympathetic ear for venting to - a sincere listener
- Frequently show appreciation for each other
- It's okay not grade papers every night

## Avoiding Administrative Burnout

- Take advantage of administrative workshops and conferences
- Delegate and trust people to follow through with assignments
- Get a life outside of school
- Plan for the unknown
- Don't take yourself so seriously
- Pick your battles carefully
- Frequently demonstrate appreciation for staff and parents
- Make time for staff, student, and parent concerns
- Have a sense of humour and use it daily
- Develop a team approach rather than going solo
- Identify achievable goals and evaluate yourself on those goals

## Avoiding Parent Burnout

- Don't choose the same folks all the time
- Train and develop others for positions of responsibility
- Continually say thank you
- Communicate clear and useful information
- Avoid criticism of specifics and look at the whole picture
- Be a solution rather than a problem
- Have a sense of humour and use it daily
- Understand and support family commitments outside of the school
- Establish clear goals for the year and communicate them continually
- Recruit new parents to be a part of the founding fathers/mothers

- **A special thanks to the incredible faculty of Academy Charter School for their contributions to this presentation**

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Feb. 26, 1996

# PUEBLO SCHOOL FOR THE ARTS & SCIENCES
# SITE GOVERNING COUNCIL

## PROPOSED BY-LAWS

AUGUST - 1994

## ARTICLE I

## NAME

The name of this entity shall be Pueblo School For The Arts & Sciences Governing Council (PSAS-SGC).

## ARTICLE II

## PURPOSE

The purpose of PSAS-SGC is to inform and advise the Provost of the University of Southern Colorado and the Dean of the Pueblo School For The Arts & Sciences in the areas of curriculum, budget, personnel policies, and administration.

## ARTICLE III

## MEMBERSHIP

### Section 1

The membership of PSAS-SCG shall consist of the following:

| | |
|---|---|
| Education Alliance of Pueblo | 1 member (District) |
| Education Alliance of Pueblo | 1 member (USC) |
| Latino Chamber of Commerce | 1 member |
| Pueblo Chamber of Commerce | 1 member |
| Sangre de Cristo Arts Center | 1 member |
| PSAS Parent Representatives | 6 member |
| PSAS Faculty Representatives | 6 member |
| PSAS Student Representatives | 6 member |
| Parent Volunteer Organization | 1 member |
| District #60 Accountability Rep | non-voting |
| Provost (USC) | ex officio (non-voting) |
| Dean (PSAS) | ex officio (non-voting) |

### Section 2

The Provost (USC) and Dean (PSAS) shall sit as ex-officio (non-voting) members.

### Section 3

The (6) Student Representatives shall be selected one each from each level (k-2, 3-4, 5-6, 7-8, 9-10, 11-12).
Method of selection: Students shall be elected for a term of one year by popular vote each spring.

## Section 4

The (6) Faculty Representatives shall be selected one each from each level (K-2, 3-4, 5-6, 7-8, 9-10, 11-12).

Method of selection: Faculty shall be elected for a term of two years by popular vote in the fall commencing October, 1995.

## Section 5

The (6) Parent Representatives shall be selected one each from each level (K-2, 3-4,5-6,7-8, 9-10, 11-12). A Parent representative must have a child enrolled in PSAS.

Method of selection: Parents shall apply and be elected for term of two years by popular vote in the fall, commencing October, 1995.

IN SEPTEMBER OF 1996 PARENT REPRESENTATION SHALL BE EVALUATED. A METHOD FOR EVERY OTHER YEAR ROTATION WILL BE DEVELOPED AND IMPLEMENTED.

## Section 6

The other members of this council shall be selected by the constituency each represent.

### Section 7

All members of the PSAS-SGC shall be responsible to seek input from the constituency of people they represent.

### Section 8

Attendance: Three consecutive absences of a student, faculity or parent representative, will be sufficient for removal from the council. After the second consecutive absence the President shall contact that representative to determine their interest in continuing in their position.

Interim vacancies shall be appointed by council via application process.

## ARTICLE IV

## OFFICERS

### Section 1

The officers of the PSAS-SGC shall be:

President

Vice-President

## Section 2

Officers shall be elected by site council ballot at the December meeting with transition in January. President shall serve one term, the vice president shall rotate into the presidency. A committee shall be formed in the November meeting and will provide a list of nominees for vice president.

## Section 3

A. The President of the PSAS-SGC shall be limited to a Parent Representative. The President and Dean shall preside at all meetings, and shall be responsible to set the meeting agenda with input from council members. The agenda shall be received by members one (1) week prior to regular meetings.

B. The Vice-President shall preside in the absence of the President.

C. Council may select one of its members or an ex-officio recorder who shall record the minutes of each meeting and see that all members receive copies of the minutes and the next meeting agenda no later than one (1) week prior to the next regular meeting. Agenda must also be posted on the PSAS master board two (2) weeks prior to the regularly scheduled meeting so that parents, teachers, and students may have input.

## ARTICLE V

## MEETINGS

The regular meeting of the PSAS-SGC shall be once each month on the 3rd Monday unless otherwise amended. The meetings will be held at PSAS. Special meetings of the PSAS-SGC may be called by the President, by a majority of the council, or by the Dean.

A quorum is defined as a simple majority of total members. A quorum must be present to conduct a business meeting.

## ARTICLE VI

## PROCEDURAL GUIDELINES

The PSAS-SGC shall govern by consensus except for addition to or amendment of by-laws.

## ARTICLE VII

## AMENDMENT OF BYLAWS

Bylaws may be amended at any time providing the following conditions are met:

### Section 1

Notice must be made in writing by a council member of the proposed change and distributed to all council members at least two (2) weeks prior to the next regular meeting.

### Section 2

Voting shall be conducted by voice vote.

### Section 3

The amendments must have approval by a majority of the council.

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# Day 3

## Internal Policy Development

Session A: Personnel Issues
Session B: Policy Development

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# Internal Policy Development—Opening Session

**Key Issues:**

1. The need for policy development
2. Pros and cons of policy development
3. Understanding the state context
4. Need to retain flexibility
5. The need for policies—problems with policy

**Goals:**

1. Participants will gain understanding of the need for policy development, the pros and cons of policy development, and the need to retain flexibility
2. Participants will develop a framework for writing policy

**Instructional Resources:**

Pickrell, T. (1998). Why Adopt a Policy?

**Additional Resources:**

Crighton, J. V. The ECIS Policy Planner (Second Edition). The European Council of International Schools, Inc., 21B Lavant Street, Petersfield, Hampshire, GU32 3EL. England.

# Curriculum Outline for:
## Internal Policy Development—Opening Session

I. **Purpose of Policy** (Adapted from the *ECIS Policy Planner*)
  A. Provide continuity and stability
    1. To institutionalize the mission and vision of the school
    2. To provide and enhance sustainability
  B. Provides a structure or focus—a set of guiding principles for the staff
  C. Clarify roles, responsibilities, and the decisionmaking process
  D. Comply with law
  E. Explain and justify actions of the board and school
  F. Provide explicit, written policies for legal matters
  G. Provide additional means for new students and parents to understand the school

II. **What are policies?**
  A. Policies are broad guidelines which create a framework within which the chief administrator and his/her staff can discharge assigned duties with positive direction
  B. Policies are not regulations
  C. Decisions that are made by the governing body
  D. Policies provide structure—but the school should remain flexible

# Why Adopt a Policy?

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Arizona School Boards Association

## I. Six Good Reasons to Adopt a Policy

A governing board adopts policies to regulate some aspect of the operation of the schools in its school district. I believe it is wise for a governing board to be inclined to not adopt a policy regarding a particular subject or situation unless there is a compelling reason for it. Based on my work for school boards, I find six good reasons to adopt a policy:

1. **The governing board wants to establish a particular program or goal and give the superintendent authority to adopt procedures that will help achieve it.**

Example: Governing board adopts a policy establishing standards for sex education in their schools.

2. **The governing board needs to establish a rule for its own governance.**

Example: Governing board adopts a policy that sets the rules for preparing the agenda for its meetings.

3. **The governing board needs to define the rights and responsibilities of its employees and students.**

Example: Governing board adopts a policy for the conduct of staff and incorporates it into its school district employee handbook.

4. **The governing board wants to ensure that a particular matter will be handled consistently to ensure fairness between two similarly situated students or employees.**

Example: Governing board adopts a policy regarding enrollment of out-of-district students.

5. **The governing board wants to ensure that a service or activity is conducted in accordance with procedures that will reduce the district's risk of liability.**

Example: Governing board adopts a policy for administering medicines to students during school hours.

6. **State or federal law directs the governing board to adopt a specific policy.**

Example: Governing board adopts a policy regarding smoking of tobacco on school campuses.

## II. The Policy Manual as a File Cabinet: The Problem of Using School Board Policies to Restate the Law

As anyone who has recently tried to read (or even physically pick up) their school district's policy manual will tell you, the number of policies and procedures that governing boards adopt in an effort to regulate their schools is a problem. School boards should try to avoid adopting policies that do nothing more than restate a law or regulation. There are several reasons for this general rule: First, it is not feasible to put into policy all state and federal laws and regulations applicable to school districts. The result would be a policy manual that would be too voluminous and complex to be useful. Second, laws change and governing boards may have difficulty amending their policies in a timely manner. Finally, the key to avoiding legal controversies lies not in restating the law in a policy or regulation, but training school employees to comply with the requirements of the law. Putting the law into policy may not make it any more likely that school employees will follow the law, but does make it easier for the public to claim that the law is not being followed.

Governing boards, however, have a will of their own. The following are several reasons (some good, others less so) why governing boards adopt policies that essentially restate the law:

- Governing boards sometimes prefer to restate the law as an affirmation of the district's commitment to the law and the values that it represents. Governing boards, for example, adopt policies stating that their school district is an equal opportunity employer to reassure their employees and community that they will not discriminate on the basis of race, national origin, sex, religion, age or disability.
- School administrators sometimes find it helpful to have all legal requirements pertaining to a specific matter stated in the districts policy and regulation, particularly when the issue is legally complex. The federal law requiring alcohol and drug testing of school bus drivers, for example, is exceedingly complex and its key provisions have been organized into a district policy and procedure.
- Some state and federal laws require school districts to have policies that implement their legal requirements. These policies, in many instances, will quote substantial portions of statues. For example, the Individuals with Disabilities Education Act requires districts to adopt a complex policy covering all aspects of a free and appropriate education for students with disabilities. Districts also must provide a copy of the policy to their parents whose children.
- School boards and administrators often feel more comfortable putting law into policy to serve as a reminder that something must be done. For example, many districts have a policy stating that newly elected governing board members will be administered the oath of office and include with the policy an exhibit stating the oath that the member must recite. The requirements for the oath are easily found at A.R.S. §38-231, but school officials prefer to include it in their policy manual.

## III. Some Final Thoughts on Writing Policies

1. Remember that the school will be bound by its policies (unless before violating its policy it formally waives application of the policy).

2. Avoid imposing duties and responsibilities that exceed legal requirements.

3. Keep policies and procedures as short as possible.

4. Use simple, plain language.

5. Place detailed procedures in administrative rules that can be changed by the superintendent without school board review.

6. Allow flexibility in enforcement of disciplinary standards.

7. Identify the date of adoption of each policy (and all revisions).

8. Think about whether one policy conflicts with another.

9. Before adopting a policy re-read the following passage from The Death of Common Sense by Phillip K. Howard and ask—What is the problem at hand? Will this policy really solve the problem or just create others?

> *"The idea of law . . . has been ridiculously oversold. The rules, procedures, and rights smothering us are different aspects of a legal technique that promises a permanent fix for human frailty. Choices are [illegible] no one has the chance to think for himself. Procedural layers do away with individual responsibility. . . . All tough choices, and indeed all choices, must be predetermined. As citizens and officials, we are allowed to argue during the lawmaking stage, but, day to day, we are precluded from making sense of the problems before us.*

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# Session A: Personnel Issues

**Key Issues:**

1. Hiring practices: Policies, how-to, details
2. Specific personnel policies
    a. Types and terms of employment
    b. Employee benefits
    c. Salary
    d. Regulatory issues
    e. Evaluation and termination

**Goals:**

1. Participants will have solid knowledge of policy and procedures necessary for personnel hiring and firing
2. Participants will be able to write and implement quality personnel policies

**Instructional Resources:**

Pickrell, T. (1998). Charter School Legal and Financial Issues.

Colorado Department of Education. (1997). Process for Principal Hiring (draft), Interview questions, Reference checks. In Guidebook to Colorado Charter Schools.

Colorado Department of Education. (1997). Attachment A: Principal/Administrator: Qualifications and job description. In Guidebook to Colorado Charter Schools. pp 7-8.

California Network of Educational Charters. Charter School Operational Guidelines (pending approval). [Online] Available: http://wpusd.k12.ca.us.canec/canec.html

Scariano, A. G., Scariano, Kula, Ellch, & Himes (1996). Recruitment, Selection & Retention of Employees: Policy/Practice Audit. School Law in Review. Chicago Heights, IL

Charter Friends National Network. (1998). Neighborhood House Charter School interview and hire Materials. In A sourcebook for organizers of charter school planning workshops.

**Additional Resources:**

Colorado Department of Education. (1994). Governing Board Evaluation. Denver, CO.

Colorado Department of Education. (1994). Public Records, Student Records, Family Educational Rights Privacy. Denver, CO.

Frels, K., Horton, J. L., Brooks, K. J., Bracewell & Patterson. Documentation of Teacher Performance. Houston, TX.

Gilver, B. (1992). The Search Handbook: A Step-By-Step Guide to Selecting the Right Leader for Your School. National Association of Independent Schools.

Principles of Good Practice for Member Schools. National Association of Independent Schools. Washington DC.

**Session Structure:**

1. Basic lecture session-purely informational

# Curriculum Outline for:
## Session A: Personnel Issues

I. **Personnel Issues**
   A. Hiring practices
      1. Awareness of equal employment opportunity and Americans With Disabilities Act (ADA)
      2. Be extremely candid about the school you are running—vision
      3. Develop policies for hiring process
         a. Job descriptions that align with vision; describe desirable qualifications
         b. Advertise position (administration or staff)
         c. Develop questions for interview. Who will be involved in interview?
            1. Develop sample questions and qualifications
            2. Outline what is expected of employees—use school's vision
            3. Collect and review applications—then invite for interview
            4. Reference checks; background checks—what to look for in background checks.
               -check the background, credentials, teaching, and all references
         d. Awareness of conflict of interest and/or nepotism laws
      4. Suggestions:
         a. Have an employee handbook/guidebook
         b. Have an introductory trial period for employees
         c. Cover sexual harassment policies
      5. Personnel policies
         a. Terms of employment
            1. At-will employment
            2. Term employees
            3. Collective bargaining laws (if applicable). Are teachers still covered by union?
            4. Reduction-in-force laws or contract provisions
            5. Types of pay (merit, bonus, base, other)
            6. Staff evaluation, retention, firing
         b. Outline policies
            1. Salary schedule
            2. Pension plan
            3. Health insurance; life insurance
            4. Vacation/sick leave
            5. Other leave
            6. Workmen's Compensation
            7. Unemployment insurance
            8. Employee code of conduct (harassment)

  9. Grievance and disciplinary procedures
     a. Due process
     b. Tenure laws
c. Regulatory compliance
d. Financial matters (personnel)

# Charter School
# Legal and Financial Issues

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**Arizona School Boards Association**

## Introduction

Charter schools are public schools authorized by state law. A common attribute of charter schools is their exemption from many state and local laws, regulations and policies. The degree to which they are free from state regulation varies from state to state, but most charter schools remain subject to state laws relating to health, safety and civil rights. A charter schools also must comply with federal laws and its regulations to the same extent that any other public school must comply. Charter schools currently receive no exemption from federal laws based on their status as a charter school.

This outline lists many legal and financial issues that charter school officials are likely to encounter as they begin to operate their schools. The federal laws cited in the outline are briefly described at the end of the document, and information about them and their implementing regulations can be obtained by contacting the agencies at the telephone numbers provided. The issues and laws outlined will not apply to all charter schools. Charter schools also may face some important legal and business issues that are not listed. *Charter schools should retain an attorney and accountant experienced with school law and finance to help guide them through the process of starting a charter school in the state in which they are located.*

## Outline

### I. The Charter

1. A contractual agreement between a school operator and government agency.
2. An instrument through which regulatory obligations are assumed by a school operator.
3. A permit to operate a school and receive government funding.

### II. Starting a Business

1. Lawyer/accountant
2. Three-year business plan
3. Business entity formation
4. Facility/equipment acquisition.
5. Start-up financing
6. Trade Name registration

## III. Financial Matters

1. Tax identification numbers
2. Fiscal agent
3. Payroll and accounting systems
4. Insurance coverage
5. Bank accounts
6. Procurement procedures
7. Expense reimbursement procedures
8. Budgeting and financial reporting

## IV. Governance

1. Governing board size, composition, and selection
2. Responsibilities of chief executive officer/governing board
3. Rules of procedure
4. Open meeting laws
5. Conflicts of interest

## V. Employment Matters

1. Recruitment and hiring procedures
    - A. Anti-discrimination laws
        - 1) Americans with Disabilities Act (ADA)

          Prohibits employers with 15 or more employees from discriminating against qualified individuals with disabilities with regard to all terms and conditions of employment, including recruiting, hiring, advancement, termination, job assignment, fringe benefits, training and social events. ADA may apply concurrently with Section 504 of the Rehabilitation Act of 1973 (Section 504), which prohibits employers who are federal funding recipients from discriminating against persons on the basis of disability.

            - a) Definition of disabled individual
                - i) Physical or mental impairment that substantially limits one or more of the major life activities of the individual
                - ii) Record of such impairment
                - iii) Regarded as impaired

iv) Exclusions: compulsive gambling, kleptomania, pyromania, sexual behavior not resulting from physical impairments, homosexuality and bisexuality

b) A qualified individual is one who can perform the essential functions of a job, with or without reasonable accommodation and satisfies the requisite skill, education and experience and other job-related requirements.

i) A job function is essential if the employer actually requires employees in the position to perform it, and removing the function would fundamentally alter it. Factors:

- Whether the position exists to perform the function
- The number of employees available to perform the function
- The degree of expertise or skill required.

ii) Reasonable accommodation

- Making existing facilities used by employees accessible to and usable by disabled employees
- Job restructuring, part-time or modified work schedules, reassignment
- Acquisition or modification of equipment or devices, adjustment or modification of examinations or training materials, the provision of qualified readers or interpreters.

iii) Undue hardship means an action requiring significant difficulty or expense. Factors:

- The nature and cost of the needed action
- The overall financial resources of the facility and business as a whole, including the number of employees and the effect on expenses and operation of the facility
- The relation of the facility to the business as whole

2) Title VII of Civil Rights Act of 1964 (Title VII)

Forbids employers who have 15 or more employees to discriminate against individuals in all areas of the employment relationship if the action is based on race, color, religion, sex, or national origin.

        - 3) Age Discrimination in Employment Act (ADEA)

          Prohibits employers who employ 20 or more employees for 20 calendar weeks per year from discriminating on the basis of age in the hiring, termination, benefits, or other terms and conditions of employment of individuals over 40 years of age.

B. Job requirements
  - 1) Immigration Reform and Control Act
    - a) I-9 Employment Eligibility Verification Form
    - b) Records maintenance
  - 2) Licenses
    - a) Teacher/administrator certification
    - b) Special education endorsement
    - c) Commercial drivers license
  - 3) State anti-nepotism laws

C. Advertisements, applications and interviews
  - 1) Areas to avoid
    - a) Marital and family status
    - b) Non job-related personal history
    - c) Associational activities
    - d) Existence, nature or severity of disability
  - 2) Permissible areas
    - a) Position desired
    - b) Prior applications
    - c) Education
    - d) Work experiences
    - e) Professional references
    - f) Convictions for serious offenses

D. Background investigations
  - 1) Criminal history checks
    - a) Convictions and arrests without disposition
    - b) Confidentiality of criminal history reports
  - 2) Background check procedures

2. Employment Status
    - A. At-will employment
        - 1) Employment for an unstated or indefinite period of time
        - 2) Employment relationship terminable with or without cause, subject to exceptions:
            - a) Statutory limitations: Title VII, ADEA, ADA and "whistle blower protections in FLSA, OSHA, etc.
            - b) Public policy: refusal to participate in illegal activity
    - B. Term employment
        - 1) Employment for a stated period of time
        - 2) "Cause" requirement for termination
        - 3) Property interest in employment
        - 4) Tenure
    - C. Independent contractor
        - 1) Instructions
        - 2) Training
        - 3) Integration
        - 4) Services rendered personally
        - 5) Hiring assistants
        - 6) Continuing relationship
        - 7) Set hours of work
        - 8) Full time required
        - 9) Working on employer's premises
        - 10) Order or sequence set
        - 11) Regular reports
        - 12) Payment method
        - 13) Expense reimbursed
        - 14) Furnishing tools or materials
        - 15) Significant investment
        - 16) Realization of profit or loss
        - 17) Working for more than one firm at a time
        - 18) Making service available to general public
        - 19) Right to terminate

3. Compensation
    - A. Equal Pay Act

      Prohibits employers employing two or more employees engaged in interstate commerce from paying different wages to employees of the opposite sex for equal work on jobs the performance of which requires equal skill, effort, and responsibility, and which are performed under similar working conditions

- B. Fair Labor Standards Act (FLSA)
    - 1) Minimum wage
    - 2) Overtime
        - a) Time-off
            - i) Public employees only
            - ii) Mutual agreement before work performed
            - iii) 240 hour limit
            - iv) Convert to cash on severance
        - b) Cash
    - 3) Exemptions
        - a) Exempt employees
            - i) Salaried administrators
            - ii) Teachers
        - b) Exempt work
            - i) Occasional or sporadic part-time work
            - ii) Volunteer work during off-duty hours
- C. Salary schedules
- D. Employee benefits
    - 1) Pension plan
    - 2) Health insurance
    - 3) Life insurance
    - 4) Worker's Compensation
    - 5) Unemployment Insurance

4. Leaves of absence
    - A. Family and Medical Leave Act (FMLA)
        - 1) Applicability: 50 or more full or part-time employees within a 75 mile radius every workday for 20 workweeks per year
        - 2) Eligible employees
            - a) 12 months employment prior to leave
            - b) 1250 hours of work during previous 12 months
        - 3) Scope of Coverage
            - a) Four leave situations

            - i) Birth/first year of child care
            - ii) Adoption or foster placement
            - iii) Serious health condition of spouse, child or parent
            - iv) Personal serious health condition
        - b) 12 week leave period
        - c) Medical insurance coverage
        - d) Restoration of employment and benefits
    - B. Pregnancy Discrimination Act

      Requires school to provide insurance coverage for pregnancy related conditions to the same extent as is provide for other health conditions.
    - C. Military Selective Service Act

      Requires school to restore veterans to positions of like seniority, status and pay upon completion of military service, if veteran applies for reinstatement within 90 days after discharge.
    - D. Juror Protection Act

      Prohibits employers from discharging, intimidating or coercing any employee as a result of the employee's service on any jury
    - E. Vacation/sick leave policies

5. Employee Discipline
    - A. Employee code of conduct
    - B. Disciplinary procedures
        - 1) Notice and hearing rights
        - 2) Employee handbooks

6. Severance of employment
    - A. Section 1983 of Civil Rights Act of 1871
        - 1) Prohibits employers, acting "under color of" state authority, from depriving persons of "any rights, privileges or immunities secured by the constitution and laws"
        - 2) "State action" requirement
        - 3) Claims of entitlement to continued employment and procedural due process prior to dismissal
    - B. Due process requirements
        - 1) Notice of charges with sufficient specificity to respond
        - 2) Notice of time and place of hearing

    3) Notice of persons who made allegations and nature of testimony
    4) Hearing before an impartial hearing officer
    5) Opportunity to be represented by counsel
    6) Opportunity to present employee's side of story through testimony of employee or others
    7) Opportunity to confront and cross-examine witnesses.
    8) Written decision state reasons for the decision

  C. Tenure laws

    1) Statutory evaluation and remediation procedures
    2) Statutory notice and hearing procedures

  D. Consolidated Omnibus Budget Reconciliation Act (COBRA)

  Mandatory offer of right to continue group health plan coverage following death of employee, termination of employment, reduction in hours, divorce or legal separation.

  D. State reduction-in-force laws

  E. Release of claims

    1) Mandatory reporting of suspected child abuse/immoral conduct
    2) Settlement agreements

7. Impact of collective bargaining laws and agreements

## VI. Student Matters

1. Admission procedures

  A. State/district residency requirements

  B. Immunization records

  C. Selection procedures

  D. Placement Evaluations

  E. Anti-discrimination laws

    1) Disability (IDEA and Sec. 504)
    2) Race, national origin, religion and sex (Title VII)
    3) Sex (Title IX)
    4) English-speaking ability (Title VI)

  F. Parent-student contracts

2. Conduct
    A. Code of conduct
        1) Behavior
        2) Dress/grooming
        3) Internet
    B. Student/parent handbook
    C. Discipline/due process procedures
3. Fees
    A. State regulation of extracurricular and other mandatory fees
    B. Before and after school fee-based programs
    C. Mandatory contribution of materials as a type of "fee"
    D. Means testing

## VII. Students with Special Needs/Legal Rights

1. Students with disabilities
    A. Individuals with Disabilities Education Act (IDEA)
        1) The special education process
            a) Identification/referral
            b) Referral decision
            c) Initial evaluation and MET eligibility determination
            d) IEP development
            e) Service level determination
            f) Initial placement
            g) IEP implementation
            h) Review/Annual IEP and MET eligibility re-determination
            i) Program termination
        2) Change of placement
            a) Short term action
            b) Long term action
            c) 45 day placement for gun/drug violations
        3) Related Services
            a) Transportation

            - b) Medical
        - B. Section 504 accommodations
    - 2. Limited English Proficient (LEP) students
        - A. Title VI of Civil Rights Act of 1964
        - B. Bilingual Education Act

## VIII. School Records

- 1. Family Educational and Privacy Rights Act (FERPA)
    - A. Applicability of FERPA
        - 1) Federal funding
        - 2) "Education record" definition
    - B. Parent/student rights
        - 1) Notice
        - 2) Access
        - 3) Amendment
        - 4) Confidentiality
        - 5) Right to complain
    - C. Nonconsensual disclosures
        - 1) Health/safety emergency
        - 2) Directory information
        - 3) Subpoenas
        - 4) Other school officials
        - 5) Other schools, colleges and universities
        - 6) Federal, state and local authorities
- 2. Public record requests
    - A. Statutory protections
    - B. Privacy rights of employee
- 3. Record retention regulations and procedures
    - A. State requirements for school records
    - B. Record maintenance required: Title VII, ADEA, FLSA, ADA, Rehabilitation Act, Immigration Control Act, FMLA, Omnibus Transportation Employee Testing Act, ADA

## IX. Curriculum and Instruction Matters

1. State curriculum standards
2. State instructional days/hours standards
3. State/federal prohibitions against religious instruction
4. Copyright infringement
5. State assessment requirements
6. Promotion and graduation standards
7. Credit transfers to and from high school and post-high school institutions.

## X. Facilities

1. State standards for K-12 facilities
2. Americans with Disabilities Act and Section 504 standards
3. Environmental Audit
    - A. Asbestos Hazard Emergency Response Act (AHRA)
    - B. Comprehensive Environmental, Response, Compensation, and Liability Act (CERCLA)
4. OSHA and accident prevention standards

## XI. Transportation

1. Bus and other vehicle regulations
2. Commercial/bus drivers license
3. Transportation employee drug/alcohol testing
4. Assumption of duty at cross-walks

# Federal Laws Affecting Charter Schools

**Age Discrimination in Employment Act (ADEA)** generally prohibits employers from discriminating on the basis of age in the hiring, termination, benefits, or other terms and conditions of employment of individuals over 40 years of age. This act applies to public schools and employers who employ 20 or more employees. 29 U.S.C. §§621-634. Equal Employment Opportunity Commission (202) 663-4900.

**Americans with Disabilities Act (ADA)** prohibits discrimination by an employer who employs 15 or more workers against a qualified individual with a disability. 42 U.S.C. §12101-12213 (1991). Equal Employment Opportunity Commission (202) 663-4900 or Office of the Americans with Disabilities Act, Civil Rights Division of the Department of Justice (202) 514-0301.

**Asbestos Hazard Emergency Response Act (AHERA)** requires schools to inspect for asbestos and develop a plan for removal of asbestos that is friable. 15 U.S.C. §2641 *et. seq.* Environmental Protection Agency.

**Bilingual Education Act** prohibits federally assisted education programs from excluding a student on the basis of a surname or language minority status. 20 U.S.C. §7401 et. seq. U.S. Department of Education (202) 205-5576.

**Comprehensive Environmental, Response, Compensation, and Liability Act (CERCLA)** et seq. may impose liability upon an owner of land that is the site of a release or threatened release of a toxic substance. 42 U.S.C. §9601 *et seq.* Environmental Protection Agency.

**Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA)** requires employers to offer employees and their dependents the right to continue group health plan coverage following termination of employment or following certain other circumstances which would otherwise terminate coverage. 29 U.S.C. §1161-1167

**Equal Pay Act** prohibits employers from paying wages to employees of one sex at rates of pay less than the rates they pay employees of the opposite sex for work requiring equal skill, effort, and responsibility, and which is performed under similar working conditions. 29 U.S.C. §206(d). Wage and Hour Administrator of the U.S. Department of Labor (202) 219-8305. (Request referral to regional office.)

**Fair Labor Standards Act (FLSA)** establishes minimum wage, overtime pay, equal pay, record keeping, and child labor standards for employees who are within the coverage of the FLSA and who are not exempt from specific provisions. 29 U.S.C. §201 *et seq.* (1988). Wage and Hour Administrator of the U.S. Department of Labor (202) 219-8305. (Request referral to regional office.)

**Family Educational and Privacy Rights Act (FERPA)** confers upon students (and their parents) rights of notice, access, amendment and confidentiality with regard to their educational records maintained by a school that received federal financial assistance. 20 U.S.C. §1232g. Family Policy Compliance Office, U.S. Department of Education (202) 260-3887.

**Family and Medical Leave Act (FMLA)** requires employers with 50 or more workers in a 75-mile radius to provide eligible employees up to 12 work weeks of leave in a 12 month period when the leave is requested for (1) birth, adoption or foster care placement, (2) care for a sick spouse or parent, or (3) a personal serious health condition. 29 U.S.C. §2611 *et. seq.*(1993). Wage & Hour Administrator of the U.S. Department of Labor (202) 219-8305. (Request referral to regional Wage & Hour office.)

**Immigration Reform and Control Act of 1986** creates civil and criminal sanctions for employers who fail to properly verify the employment eligibility of all workers hired after November 6, 1986. 8 U.S.C. §§1324a and 1324b (1988). Information: contact local Immigration & Naturalization Service. (Request information regarding Form I-9.)

**Individuals with Disabilities Education Act (IDEA)** requires schools receiving federal financial assistance to provide a free and appropriate education to children with disabilities. 20 U.S.C. §1400, *et. seq*. Office of Special Education Programs, U.S. Department of Education (202) 205-9056.

**Juror Protection Act** prohibits discharge, threats to discharge, intimidation, or coercion of any permanent employee by reason of that employee's jury service in any court of the United States. 28 U.S.C. §1875.

**Military Selective Service Act of 1974** requires employers to restore veterans to positions of like seniority, status and pay upon completion of military service and application to return to work within 90 days of discharge. 38 U.S.C. §§2021-2026.

**Omnibus Transportation Employee Testing Act of 1991** requires to conduct pre-employment/pre-duty, reasonable suspicion, random and post-accident alcohol and controlled substances testing of each applicant for employment or employee who is required to obtain a commercial driver's license. 49 U.S.C. §2717. Department of Transportation Office of Drug Enforcement and Program Compliance (202) 366-3784.

**Occupational Health and Safety Act of 1970** regulates health and safety in the workplace, including handling and disposal of materials that may contain blood-borne pathogens. 29 U.S.C. §651 *et. seq*. (1993). Occupational Health and Safety Administration, U.S. Department of Labor (202) 219-8667.

**Pregnancy Discrimination Act of 1978** prohibits termination or refusal to hire or promote because of pregnancy, individual inability to work, protects reinstatement rights following pregnancy leave, and requires employers to treat pregnancy and childbirth as they do other causes of disability under fringe benefit plans. 42 U.S.C. §2000.

**Rehabilitation Act of 1973 (Section 504)** prohibits recipients of federal funds from discriminating against an individual on the basis of disability. 29 U.S.C. §§700 *et. seq*. (1994). Office of Special Education Programs, U.S. Department of Education (202) 205-9056.

**Section 1983 of Civil Rights Act of 1871 (Section 1983)** prohibits employers, acting "under color of" state authority, from depriving persons of "any rights, privileges or immunities secured by the constitution and laws" of the United States.

Title VI of the Civil Rights Act of 1964 (as interpreted by the U.S. Supreme Court *in Lau v. Nichols*, 414 U.S. 563 (1974) and U.S. Court of Appeals (5th Circuit) in *Castaneda v. Pickard*, 648 F.2d 989 (5th Cir. 1981)) requires public schools to provide any alternative language programs necessary to ensure that national origin minority students with limited-English proficiency have meaningful access to education programs. 42 U.S.C. §2000d *et. seq*. (1993). Office of Civil Rights, U.S. Department of Education (202) 205-5413.

Title VII of the Civil Rights Act of 1964 forbids employers who have 15 or more employees to discriminate against individuals in all areas of the employment relationship if the action is based on race, color, religion, sex, or national origin. 42 U.S.C. §2000e *et. seq*. (1993). Equal Employment Opportunity Commission (202) 663-4900.

Title IX of the Education Amendments of 1972 prohibits gender-based discrimination by an educational institution that receives federal financial assistance. 20 U.S.C. 1681 Office of Civil Rights, U.S. Department of Education (202) 205-5413.

## Recommended Reading

NSBA Council of School Attorneys (Alexandria, VA (800) 706-6722)

- Termination of School Employees: Legal Issues and Techniques
- Individuals with Disabilities Education Act: A Legal Primer
- Americans with Disabilities Act: Its Impact on Public Schools

The Education Law Association (Dayton, OH (937) 229-3589)

- The Pre-employment Process: Avoiding Impermissible Inquiries and the Effect of the Americans with Disabilities Act.
- The Principal's Legal Handbook

International City/County Management Association (Washington D.C. (800) 745-8780)

- FLSA: The Public Employer's Guide

Draft

D'Evelyn Jr/Sr High School
Process for Principal Hiring

- Identify desired/needed characteristics for the school's principal
- Write/modify detailed job description
- Advertise nationwide for applicants
- Identify who will be involved in the process

- Review applications and list viable candidates (paper screen)

- Develop questions and desired answers to the questions based on the written job description.

- Train interview team
- Interview process—primary goal is to find as much as possible about each candidate
    - Telephone contact—initial questions
        - State that documents regarding the school are available and ask if each candidate would like to receive data
    - Reference Checks—primary and secondary with set questions to ask and initiate discussion
    - Personal Interviews—formal questions, situations, less formal interactions with a variety of people in the D'Evelyn community (teachers, staff, parents, and students)

- Debrief—identify top candidates and areas of information that will need to be explored for each …
- Visit worksite of each top candidate and talk with staff, candidate, students and parents
- Debrief
    - Come to a final decision and recommend that the district hire the candidate of choice

  or

    - Select an interim principal if no candidate is suitable
- Notify selected and non-selected candidates of the decision

Questions to be answered:

Who is involved at each stage? (parents, staff, students, Dennison)

How are individuals in each category selected? (Minimum standards for an individual selected is to read, understand, and agree with the program description document. This was included in last year's process.)

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# Interview Questions

Questions need to be drafted to get specific information from the candidates whether they are candidates for Director/Principal or for staff members. Since charter schools have a philosophical and curricular focus, questions should be formulated to determine if there is a philosophical match. It is important to learn, to the degree possible, something of the value system of the candidate. By learning what the candidate believes important, you will know the basis of his/her decisions.

When drafting questions, determine what information you would like to know, and then draft the questions. Consider the response questions are likely to elicit. If during interviews a specific question does not elicit the depth of response expected, re-write or replace the question before the next interview session.

Examples of questions or areas to be probed:

If you could design a perfect school, what would it be like?

Listen for philosophical alignment.

What do you see as the role of parents in their children's education?

Charter schools commonly have high parent involvement. Look for common beliefs about parental involvement.

If the school has a specific text or program that requires support from the Director/Principal or staff, ask their opinion about it.

In some cases the answer may be that he/she knows nothing about it. You're looking for strong aversions to a specific curriculum.

The Director/Principal will have to work closely with the governing board. Ask about any comparable past experience.

Many charter school governing boards are primarily parents. You need to hear about how he/she feels about having parents as his/her boss.

Ask Director/Principal candidate about the qualities of a good teacher.

Listen for a match. If the schools values teachers who act as counselor/facilitators, listen for that. If the school values strong subject matter competence, listen for that.

How does he/she deal with parental complaints about teachers?

You want to hear that he/she requires first that the parent and teacher have spoken about the problem. Then, that he/she is willing to meet with them together in an effort to resolve the problem.

Does the candidate delegate duties? If so, what kind?

The best leaders learn to delegate not only in order to focus on the most important aspects of their own jobs, but also to help others in the organization increase their skills. Delegation typifies leaders who prepare others to assume greater responsibilities—leaders who "groom" people.

Has the candidate ever had to deal with incompetence among the staff? If so, how?

If the candidate has never observed incompetence among the staff (unless this is a very inexperienced candidate), then perhaps it is because "anything goes." The best schools have the best faculty and the best staff. You need someone who can assure that.

# Reference Checks

It is essential that you do careful reference checks. Interviews can hide a multitude of sins—almost anyone can present fairly well during an interview if he/she works at it. However, assessment by the people with whom he/she has worked is invaluable. It is they who have observed good or bad work, ease or lack thereof in relationships, commitment or lack thereof, and whether the candidate has integrity.

The following areas need to be probed during reference checks of candidates for Director/Principal:

- Capacity in which the reference worked with candidate? Is this a subordinate, a boss, a peer, a parent, a student, or a community member?
- How well did the candidate work with others in the school—staff, parents, and students?
- Why did the candidate choose to leave that place of employment?
- Leadership style: frame the question to learn how the candidate leads—by persuasion or by orders. Can he/she "sell" others on ideas? Does he/she get feedback from staff and parents as he/she pursues ideas and changes within the school?
- If a superior, would you [illegible]
- How and how well does the candidate communicate?
- How does candidate deal with stressful situations and other problems? Impulsive response? Thoughtful, studied response? Any examples?
- Five adjectives to describe the candidate.
- Strengths of the candidate.
- Weaknesses of the candidate.
- Would you give the candidate an unqualified recommendation?
- What is the most likely difficulty, if any, we can anticipate with this candidate?
- Anything else we should know?
- Is there someone else who can give us a perspective on the candidate's work?

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# Lincoln Academy

## Attachment A

## Principal/Administrator: Qualifications and Job Description

### Qualifications:

- An advanced degree in Educational and/or Business Administration.
- Minimum three years successful administrative experience.
- Minimum five years successful teaching experience.

### Leadership Duties:

- Demonstrates commitment to **Lincoln Academy**'s vision and mission and communicates that vision and mission to school personnel, the students and families and the community.
- Models school values for students, parents and the **Lincoln Academy** Board.
- Is a visible leader maintaining frequent contact with students and staff.
- Exercises a participatory management style with staff when at all possible.
- Communicate effectively by written and oral methods.
- Fosters a climate of innovation.
- Facilitates activities for families and staff to encourage community and shared purpose.

### Educational Leadership Duties:

- Hires and evaluates staff.
- Oversees planning and evaluation of programs and priorities.
- Coordinates design of curriculum with staff.
- Administrates all school-based programs.
- Administers services of resource personnel.
- Assists staff in evaluating their methods and instructional materials.
- Designs schedules.
- Develops cooperation and teamwork within staff.
- Assists staff in accommodating individual student needs and abilities.
- Monitors student progress, discipline, health and safety.
- Provides perspective on educational issues with the **Lincoln Academy** Board on a regular basis.
- Establishes a plan for improvement of instruction, school philosophy and school policies.
- Assists Board in evaluating the school's progress on established priorities.

**Community Relations Duties:**

- Promotes and develops a professional relationship with the **Lincoln Academy** Board and staff.
- Seeks and considers opinions of others in a timely fashion.
- Provides information to community, media and interested parties about the school, its' programs and progress towards goals.
- Develops all printed materials needed for the operation of the school.
- Serves in a liaison capacity with the school district on any administrative and educational matters.
- Assists with the recruiting, scheduling and training of volunteers within the school.

**Managerial Duties:**

- Approves and authorizes:
    - building usage
    - budget items
    - permanent record maintenance
    - building maintenance
    - all school based activities and schedules
- Approves and authorizes:
    - purchase and utilization of material resources
    - equipment
    - textbook and supplies
- Establishes organization pattern for the school.
- Plans and implements the staff development program.
- Delineates all responsibilities and authority, establishing lines of communication and supervision.
- Develops enthusiasm and promotes positive morale among staff and parents.
- Prepares master budget.

**CANEC**

**California Network of Educational Charters**

751 Laurel Street, Box 414, San Carlos, CA 94070-3122
415 598 8192 Fax 415 591 1043 E-mail GoCANEC@aol.com
http://wpusd.k12.ca.us/canec/canec.html

## CHARTER SCHOOL OPERATIONAL GUIDELINES

(Pending approval of the CANEC Board of Directors)

- In no case shall a charter school pay a person for teaching pupils of which a majority are relatives of the person.

- Interactive student instruction must be available to all students; this may include but not be limited to distance learning technology, small group instruction and other site specific opportunities.

- A charter school may not transfer ownership of any materials purchased with public funds to any student or parent any time. Consumables that are used in the course of a student's educational endeavors are excepted. Instructional property will be purchased by and remain the property of the charter school.

- No sectarian or denominational instruction or materials shall be provided either directly or indirectly by the charter school.

- No charter school shall support any private school whether directly or indirectly via the exchange of funds, material or personnel, nor collect funding for any student enrolled full-time concurrently in a private school.

- CANEC is in the process of developing guidelines for attendance accountability. The Network has convened a working group to examine existing "exemplary " systems and will work closely with CDE to establish a rigorous system that maintains sufficient flexibility for charter innovations.

sjb 12/12/97

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# Recruitment, Selection & Retention of Employees: Policy/Practice Audit*

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Chicago Heights, Illinois

The ordinary employer's duty of care extends to its employees, customers, clients and other third parties who might reasonably come into contact with and be injured by an employee's conduct. The duty includes protection from injury caused by employees whom the employer knows or should know, pose a risk of harm to others. Careful hiring practices should reduce an employer's liability.

Three elements determine when a duty arises: (1) both plaintiff and employee were in a rightful place when the wrongful act occurred, (2) the plaintiff interacted with the employee as a direct consequence of the employment, and (3) the employer would receive some benefit from the meeting.[1] Not all three predicates are required. Once it is determined to whom a duty is owed, it must be determined how the duty was breached.

## RESPONDEAT SUPERIOR

Negligent hiring and supervision reach beyond the theory of *respondeat superior* which makes the employer responsible for injuries to a third person caused by tort, negligence, fraud, or misrepresentation of an employee within the scope of employment. Some courts require the act be in furtherance of the employer's business. On the other hand, under theories of negligent hiring or retention, libelous acts need not be conducted within the scope of the employee's duties or in furtherance of the employer's interests and frequently occur in the context of a sexual harassment claim.

Negligent hiring occurs when the employer should have known of the employee's unfitness before the time of hiring. Negligent retention occurs, after the employee has begun working, when the employer should have become aware of the employee's problems and fails to take any action. Failure to take action has been looked upon as a ratification of the employee's conduct.[3] Negligent supervision, another form of employer liability, extends into the actual working environment, as does negligent evaluation.

## ELEMENTS OF A CLAIM

"An employer who either hires or retains in his employ an individual who is incompetent or unfit for the job may be liable to a third party whose injury was proximately caused by the employer's negligence."[4] In other words,

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** I acknowledge the valuable assistance of Janet Schwieters, third year law student, in helping me prepare this article.*

[1] *Garcia v. Duffy*, 492 So. 2d 435, 440 (Fla. 2d DCA 1986). Truck driver assaulted a passing motorist who accidently hit and killed the trucker's dog. Employer owed no legal duty to the passerby who was not within the "zone of foreseeable risk."

[2] Belbruno, Diana Rousseau, *Selected Negligence Problems in Employment Law*, 410 PLI/Lit 341 (1991).

[3] Platt, Bruce D., *Negligent Retention and Hiring in Florida: Safety of Customers Versus Security of Employers*, 20 Fla. St. U. L. Rev. 697 (1993); *Greenfield v. Spectrum Investment Corporation*, 219 Cal. Rptr. 805 (Ct. App. 2 Dist. 1985).

[4] [illegible] A.2d 508 (N.J. 1982).

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traditional tort notions of duty, breach, and causation apply.

The duty may depend upon the nature of the employment and foreseeable risk. For example, an apartment manager or maintenance employee who has access to customers' homes poses a greater risk than one who mows the grass and has no access to the home.[5]

The plaintiff must prove that the employer's hiring, retention, or improper supervision of the employee was the proximate cause of the injury and that a sufficient nexus exists between the injury and the employment.[6]

Plaintiffs must show that the employee causing the injury was unfit for hiring or retention, or was fit only with proper supervision, which did not occur. Something in the employee's background must indicate his/her unfitness, making the harm foreseeable. Some courts have limited the scope of liability by requiring actual knowledge.[7] Others look at the amount of contact between the employee and the public or others and the thoroughness of the background check as a limitation.[8]

There is no bright line rule on the reasonableness of a background check, the standard is determined by the potential risk to third parties. For example only slight care might suffice in the hiring of a yard man where the employee would not constitute a high risk of injury to third persons; very different steps are justified if an employee is to be sent to work in the apartment of a female tenant,[9] or to teach adolescent students.

The scope of the duty to investigate employee backgrounds is commensurate with the risks anticipated with employment. Liability is not predicated solely on the failure to investigate but rather the totality of the circumstances surrounding the hire. References should be checked, and gaps in employment investigated. Inquiry may often be made to local or state law enforcement agencies. There may be a statutor duty to investigate criminal records for drivers, security guards, school teachers and supervisory personnel.

## FORESEEABILITY

The issue of foreseeability has been dealt with in diverse fashion as well. Some courts have viewed it from the standpoint of a background check. Where there is nothing in the background check to indicate a propensity toward illicit conduct, employers have not bee held liable.[10] However, courts have found "a direct duty running from the employer to thos members of the public whom the employer might reasonably anticipate would be placed in a position of risk of injury as a result of the hiring."[11] Another view holds that the emplo is not liable where plaintiffs is neither a customer, patron, nor invitee of the employer, because the employer could not foresee that th employee might injure such persons.[11]

## SCHOOL EMPLOYER'S DUTY IS VERY HIGH

A school employer's best defense is to prove that it has acted with reasonable care under the circumstances. "*In loco parentis*" and other theories place a very high duty on the school district to protect all foreseeable victims.[14] The problems encountered come from the myriad of laws protecting employee interests and the growth in wrongful discharge claims making employers cautious about invasive background checks. Inconsistent laws and policies prohibit the use of a police record as the sole justification for not hiring, yet hold the employer liable if an employee with a known or discoverable record is hired.

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[5] *Pontikas v. KMS Investments*, 331 N.W.2d 907, 913 (Minn. 1983).

[6] *Kendal v. Gore Properties, Inc.* 236 F.2d 673 (D.C. Cir. 1956).

[7] *Strawder v. Harold*, 251 So.2d 514 (La. App. 1971).

[8] *Stevens v. Lankard*, 297 N.Y.S.2d 686 (1968). Employee previously convicted for sodomy in another state reported that conviction was for buying liquor for minors. A previous employer recommended him as reliable. A routine background check would never have revealed the sodomy conviction. There is no liability where a record is not discoverable upon ordinary investigation.

[9] *Pontikas*, 331 N.W.2d at 913.

[10] *Stein v. Burns International Security Services, Inc.* 430 N.E.2d 334 (Ill. App. 1981). No liability where plaintiff could not show that if a proper background check had been pursued, facts would have indicated the propensity of the applicant to d harm.

[11] *Pontikas*, 331 N.W. 2d 907. Negligent behavior is failure to check background of individuals hired. Apartment building manager raped a tenant after gaining access to her apartment by the use of his passkey. His references, from relatives, were provided without address or phone number. Applicant reported criminal conviction for traffic tickets. Company personnel manager did not check further. Applicant was on parole in Colorado and under supervision of Minnesota Department of Corrections.

Courts have looked at a number of circumstances including the cost of conducting the inquiry; the availability of pertinent information, whether sources already explored, including records of previous employment, are sufficient to justify a determination of fitness; and the type of position being filled in determining liability.[15] Most courts do not require an inquiry into criminal records provided that an adequate alternate inquiry of the employee's fitness has otherwise been made. Suspicious factors such as short residency, employment gaps, rapid employment turnover, or admissions of prior records should put the employer on notice to make further inquiries.[16]

## STEPS FOR A PRUDENT BACKGROUND CHECK

Cases indicate, particularly in the school setting, there is substantial risk to the employer, who does not do a proper background check. The extensiveness of the check depends upon the nature of the job. However, in the school setting, it is prudent to do a thorough check on all employees who may forseeably come into contact with students (or other staff members).

The district may encounter several roadblocks to a thorough check that include: Title VII limitations; state fair employment practices, state statutes prohibiting access; and express statutes encouraging employers to hire people with criminal records. Conversely, many states authorize or even require criminal background checks for school personnel or require explicit certifications by applicants that they have not been convicted of any offense involving sexual molestation.[17] Additionally, personnel directors should be aware of statistics that reveal a higher arrest records among minorities and that refusal to hire based on arrest records has been held to impact unfavorably against minorities.[18]

State laws involving criminal background checks should be consulted. Where permitted or required, school personnel directors should consider the nature, gravity, and age of any discovered offense and should take caution not to limit their inquiries to felony convictions; some offenses may be plea-bargained to lesser offenses.[19] Polygraph tests have been seriously limited by the Polygraph Protection Act of 1988. Studies have underscored the unreliability of such tests although they are allowed by some state and local governmental units.[20] Some states also prohibit written "honesty" tests but do permit psychological or personality tests where the results are demonstrably free of discriminatory impact.

## ARREST RECORDS

The EEOC has issued guidelines on the use of arrest records because of the continued existence of a higher proportion of arrests of minorities. The employer must produce evidence of business justification for a policy which excludes applicants who have an arrest record. While a blanket exclusion can almost never withstand scrutiny, it permits the employer to request information of arrests and to evaluate the conduct in relation to the position sought.[21] Many states, however, continue to disapprove inquiries about arrests.

When the arrest leads to conviction, "an employer is permitted to reject an otherwise

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[14] Wood, R. Craig, "Challenges of Recruiting and Hiring in the 90's", *Inquiry and Analysis*, January 1994

[15] *Cramer v. Housing Opportunities Comm'n*, 304 Md 705, 715-16, 501 A.2d 35, 40-41 (1985) as cited in *Issues of Negligence in the Employment Context*, presented at American Management Associations 64th Annual Human Resources Conference, April 22, 1993 Boston

[16] *Id.*, see also *Pontikas*, 331 N.W.2d 907

[17] Wood, "Challenges of Recruiting", at 2

[18] *Id.*

[19] *Id.*

[20] *Id.*

[21] Belbenno, 410 PLI/Lit 341

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qualified applicant only if the applicant's conviction placed the employer on notice as to possible propensities in the applicant that would be dangerous to its business..."[22]

Employers should consider the following steps for background checks:

1. Put a release on employment applications which unconditionally releases any employer or reference who provides information about the applicant to you.

2. Contact all previous employers, providing a copy of the release to them. Solicit relevant information about honesty, trustworthiness and competence as well as other information relating to fitness or unfitness for the particular job.

3. Check all references provided by the applicant and if necessary inquire who else might be able to provide relevant information.

4. If the job requires the handling of funds or provides access to funds, do a credit check. The Fair Credit Reporting Act requires employers to notify applicants in writing that an investigative consumer report may be made. If the information provided is used to deny employment, the name and address of the agency providing the report must be provided in writing to the applicant. The requisite notice may be placed on the application in a conspicuous place, *i.e.* right above the applicant's signature. Garnishments require special handling and district personnel managers should be made aware of those requirements.

5. Where legally permitted, ask the applicant if she has been convicted of any crime, and where appropriate, any relevant arrests, past or pending. You may be required to request an authorization releasing criminal records where applicable.

6. If it becomes necessary to hire an applicant before completion of a thorough background check, make the offer of employment contingent upon a satisfactory completion of the check.

7. In very limited situations a polygraph may be requested. The use has been seriously proscribed. Many states have limited the collection or use of criminal conviction records by employers, particularly by public employers. This has been interpreted as evidence of the public policy of the state "to encourage all employers to give favorable consideration to providing jobs to qualified individuals, includin those who may have criminal conviction records."[23] Cases have grappled with the problems of balancing public safety with the public policy of rehabilitation. New York City was liable for negligent retention when an employee whose record included violence, raped a little girl at a playground where he worked with no on-site supervision. The city was obligated by law to assign some work, but the personnel department failed to follow procedures and investigate his background to match it with th job.[24]

## NEGLIGENT SUPERVISION

Once hired, the employer should use care in supervising an employee conduct in performance of his duties to the extent necessary to protect others from harm. The degree of care in supervising may vary with the circumstance For example, where an employer failed to investigate the background of an employee hir to paint an apartment and permitted him acce to the apartment without supervising him in a but a cursory manner, the employer was found liable when the employee later murdered the tenant.[25]

More recently, failure to supervise was discussed in a somewhat different circumstanc A background check showed no criminal conv tions for a male mental health aide. He was supervised daily. His job was to visit high-functioning retarded clients living on their ow and to assist them with shopping, budgeting, banking and household management. The aid was given keys to the apartments so he could gain access in an emergency. He used his passkey to enter an apartment and sexually assaulted a female client. The question of whether permitting the man to have a key to the plaintiff's apartment would result in a sexual assault was a question for resolution by the trier of fact.[26] The court listed the factors which should have led an ordinarily prudent employer to supervise more closely a male with a key to the apartment of a mentally impaired female: the aide was permitted complete, unfettered and unsupervised access to plaintiff's apartment, that plaintiff, due to her particular vulnerability, was unlikely to be able to prevent access; and, the superior power accorded the aide by virtue of his ability to threaten termination of her services. The unequal balance of power is a factor that may also arise in cases involving teachers and students.

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[22] EEOC Decision, No. 74-89 (1974).

[23] *Koehler v. Cheeseboro Ponds*, 705 F. Supp. 721, 724 (Conn. 1988).

[24] *Haddock v. New York City*, 5 IER Cases 358 (March 1990).

[25] *Kendall v. Gore Property*, 236 F. 2d 673 (D.C. Cir. 1956).

Negligent supervision has also been at issue where an employer failed to investigate complaints;[27] and where an employee asked to host an afterhours party for a client, got drunk, drove home, and injured a third party.[28]

### *Negligent Referral*

Employment agencies have been found to have a duty to exercise reasonable care in referring individuals for employment.[29] The duty to warn may also apply to previous employers.

A Florida court recently ruled that the families of office workers killed by a former colleague — as well as two employees who were wounded by the gunfire — could seek punitive damages against a former employer who failed to disclose that the "gun toting" employee had been fired several years earlier for carrying a pistol in his briefcase.[30]

The former employer provided the new employer with a letter of recommendation stating that the employee's departure was not related to job performance, although the termination was at least in part because of his "unstable [mental] condition and frequent possession of a firearm in the workplace." The complaint also alleges that the recommendation was provided so that the unstable employee would not become angry over his termination. The employee was later fired by the new employer and subsequently killed or wounded several former colleagues before fatally shooting himself.[31]

## INSURING FOR EMPLOYER LIABILITY

A relatively new type of liability insurance is being offered to employers. Employment Practices Liability Iinsurance (EPLI) is becoming popular and important with the explosion in employment-related litigation. Significant limitations include no coverage for punitive damages and costs of defense are generally deducted from the limits of the policy. With defense bills eating up 60 percent of the expenses associated with such cases, employers may still have little coverage against stiff damage awards.

With the duty to defend broader than the duty to indemnify, employers may have greater coverage under traditional corporate general liability (CGL) coverage and O & D policies than they may think. If there is a possibility of coverage for any part of the particular claim, the insurer is obligated to defend the entire suit. However, as claims and damage awards increase in number, it is likely that coverage for employment-related claims through CGL and O & D will become extremely limited. Most policies are currently written with specific exclusions for employment-related claims. O & D policies carry no duty to defend but provide coverage if a loss occurs.[32]

## DEFAMATION IN THE EMPLOYMENT CONTEXT

Common law defenses to defamation include truth, consent and privilege. Some cases hold that if the plaintiff instigated the defamatory communication, he consented to it. Still

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[26] *Gutierrez v. Thorne*, 13 Conn. App. 493 (1988)

[27] *Mercer v. State*, 509 N.Y.S.2d 103 (1986)

[28] *Romeo v. VanOtterloo*, 323 N.W.2d 693 (1982)

[29] *Keck v. American Employment Agency, Inc.*, 652 S.W.2d 2 (Ark. 1983). Agency failed to check the validity of the proposed employer and an applicant was assaulted

[30] *Jerner v. Allstate Insurance Co.*, Fla. Cir. Ct., No. 93-09472, Division F (Order Aug. 10, 1995)

[31] Individual Employment Rights, Vol. 10, No. 19, August 29, 1995, pp. 1-2

[32] *Id.* at 3

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others have recognized a theory of self-defamation.

In the employment context, the issue is frequently raised in cases concerning union membership, where it is held that employees consent to all communications contemplated by a collective bargaining agreement (*e.g.*, statement made during contractually mandated investigation into possible theft did not constitute defamation). However, courts have ruled that voluntary compliance with grievance procedures does not give rise to consent to defamation.

### *Absolute privilege*

Traditionally, statements made during legislative proceeding by legislators; statement published in the course of judicial or administrative quasi-judicial proceedings; statements published by lawyers in the course of their professional duties; and statements concerning acts of executive officers or public officials are often immune from suit.[33] Some jurisdictions have extended absolute immunity to private employers as well as public sector employers. Others have extended immunity to persons with standing to raise a complaint where the complaint was necessary to initiate the administrative proceeding, and to necessary communication to a "limited and discrete group" relating conduct in preparation of the case, to marshal evidence, or gather witnesses.[34]

Teacher decertification hearings and employment security division hearings have been held to be quasi-judicial.[35] More importantly, for the purposes of defamation claims, teachers have been held to be public officials. The public policy reason for extending the privilege in this area is the protection of school children. A robust and wide open debate concerning the conduct of teachers in the schools is a matter of great public concern. Teachers exercise almost unlimited responsibility for daily implementation of governmental interests in educating young people. They conceive and apply policy and procedure.[36] Public officials may not bring an action for defamation *per se*. Such damages must be pled and proved; such claims are always subject to proof of malice.[37]

The foregoing privilege is lost if published outside the privileged forum. News media may be outside the proper forum. If the material published is such that the media are independently entitled to its disclosure under FOIA laws, its publication cannot provide the basis for defamation in some jurisdictions.[38] This could permit the publication of a terminated teacher's name discussed at a board meeting.

### *Qualified Privilege*

Generally, an employer is afforded a "qualified" privilege to defame. The elements of qualified privilege are: (a) good faith by defendant; (b) an interest or duty to uphold; (c) a statement limited in scope to its purpose; (d) a proper occasion; and, (e) publication in a proper manner and to proper parties only, *i.e.* those with a "need to know." If any one element is missing, the privilege is lost.

Qualified privilege has been recognized in the context of an employer's responsibility to answer direct inquiries by prospective employers.[39] It is generally held that employers who confine critical comments relating to current o former employees to those persons who have a business interest in such information remain immune. A conditional privilege may be reco nized in business situations. For example, a comment by a supervisor to an employee, overheard by others, that "we can't have thiev around here," may be conditionally privileged necessary to the orderly operation of the business and maintenance of company morale in order to explain a discharge; but publication reasons for discharge to co-workers necessary stop rumors that termination was economic went too far and could have been met throug less damaging means.

However, this privilege can be easily abused. A communication in violation of the employer's policies,[40] or a publication that is knowingly false or is made with reckless disregard as to falsity, including failure to properly investigate the truth, both court disaster.[41] Clearly, not every defamatory publication by an employer is subject to qualified privilege.

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[33] *Id.*

[34] *Kelley v. Bonney*, 1992 WL 69068, at 9.

[35] *Id.* at 7

[36] *Id.* at 12

[37] *New York Times v. Sullivan*, 376 U.S. 254, 279-80. *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 344.

[38] *Kelley v. Bonney* at 10.

[39] Restatement (Second) Torts (1977) 595, comment (i) at 273. Former employer who gives a negative reference has some qualified privilege against defamation suits.

More significantly, a New Jersey jury awarded $465,000 in compensatory and punitive damages where it found a company manager guilty of defamation for negative statements made in an employee performance appraisal that cost a minority employee her job. The verdict undermines the privileged status usually accorded to statements of opinion in performance appraisals.[42]

While a plaintiff must show malice to overcome privilege, mere negligence is not sufficient. The original common law concept of malice includes reckless or negligent conduct which constitutes disregard of rights of others. Common law malice requires a showing of intent to injure the subject while actual malice requires that at the time the defamatory statement was made, the defendant knew the statement was untrue or acted in utter disregard of whether it was true.

## SELF DEFAMATION

The emerging doctrine of "compelled self-defamation" has expanded liability for defamation in the employment context.

Generally, the originator of a defamatory statement is liable if a statement tending to injure one's reputation is published to a third party. Under the standards for defamation, courts originally considered the claims valid only where the originator of the defamatory statement was the one who published it to third parties. However, under the developing view, the defamed party may recover damages even though the originator published the matter solely to the defamed party where it is reasonable that the defamed party then was required to publish the statements to a third person. The statements must be false. True statements, however disparaging, are not actionable.[43] Given a choice between disclosing the defamatory statement and dishonesty, courts have declared that dishonesty is not a reasonable alternative.[44]

In the employment context, the self defamation or self publication theory has created liability for an employer's statements contained in a termination letter or reported orally to the defamed party, even if given only to the terminated employee.[45] Self publication issues generally arise when an employee who has been fired for theft (or sexual misconduct), denies it, but reveals the reason for termination when interviewing with a prospective employer.[46] Privilege can be a defense to the employer. Absolute privilege, the rule in some states, insulates the maker from liability for defamatory remarks; qualified privilege will not shield the maker if privilege is abused through malice, reckless disregard or intent.

Because this is a fertile area of law, many jurisdictions have not addressed the issue. Those jurisdictions who have fall into three categories; the first group includes states that have rejected defamation actions supported by self-publication[47] and those courts in which the federal courts have decided that the state's highest court would reject the argument.[48] The second group is composed of states which allow self-publication to fulfill the publication requirement when it is reasonably foreseeable that the defamatory matter would come to the knowledge of a third person in the ordinary course of

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[40] *Anderson v. Dorpel and Northwestern University*, 1995WL19463

[41] *Id.* at 9. *Nazeri v. Missouri Valley College*, 1993 WL 309605. *Smith v. Atkins*, 1993 WL 276818 (La. App. 4 Cir)

[42] Morris at 727

[43] *Stuempges v. Parke, Davis & Co.*, 297 N.W.2d 252, 255 (Minn. 1980).

[44] Sack, Robert D., "Libel, Slander, and Related Problems," in Prosser and Keeton, *the Law of Torts* 85 (W. Pase Keeton et al., 3d ed. 1980). See also, *Polson v. Davis*, 635 F. Supp. 1130, 1147 (D. Kan. 1986) *aff'd* 895 F. 2d 705 (10th Cir.)

[45] Workers Refused Jobs Due to Bad References Winning Suits Against Employers, Lawyer Says, Daily Lab. Rep. (BNA) No. 64, at A3 (Apr. 3, 1990)

[46] *Weldy v. Piedmont Airlines, Inc.*, 985 F. 2d 57 (2d Cir. 1992)

[47] Ill., Ala., S. Carolina

[48] S.D.N.Y., W.D. Pa., D.S.C., N.D. Ind., and 4th Cir. (Md.)

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events.[49] The third group allows self-publication to support a claim for defamation when it is reasonable for the originator to believe that the defamed party would be under a strong compulsion to disclose the contents of the defamatory statements to a third person.[50]

Courts, and often courts within the same state, have alternated between the "reasonable likelihood" test and the "strong compulsion" test, creating an uncertainty within the law of self defamation.[51]

## COMPELLED SELF DEFAMATION

A more restrictive view holds that self-publication meets the requirements of defamation only if the originator could have reasonably foreseen that the plaintiff would be compelled to publish the defamatory remarks.[52] This theory balances fault with causation. When a plaintiff is compelled to self-publish, that act is not voluntary; "[i]n such circumstances the act is fairly viewed as the direct result of the originator's actions."[53]

The compelled self defamation theory forces employers to exercise greater care when making statements. Faced with possible liability, the economic reality of litigation make precautionary measures a less costly alternative.

On the balancing side, the theory eliminates the causation problem viewed by courts who have rejected the theory, by requiring the plaintiff to show they were forced to publish. They cannot create a cause of action. The rule recognizes that when the plaintiff has control over the publication, the originator may fall victim to unwarranted liability. Thus, it reduces that concern by giving the plaintiff incentive to forestall preventable defamations.[54]

## PREVENTING SELF PUBLICATION CLAIMS

Preventing the making of defamatory statements or preventing their disclosure by th employee eliminates the harm, and the emplo cannot be held liable. There must be some element of harm for a claim to lie.[55] In some states, there must also be substantial evidence compulsion on the part of the employee. Adequate care on the part of employers is necessary to prevent harm and there is an economi incentive for the employer to take care in the statements made to employees. Once proper training of supervisors and personnel has occurred, fewer mistakes will occur. If they do occur, some states have recognized additional protection for the cautious employer, the doctrine of privilege.

In a state that allows absolute privilege, employer cannot be found liable for publishin materials to employees, even if defamatory, an even if the employer's motive was hostile.[56] Absolute privilege has been applied to emplo evaluations, written notices, termination notic and warning letters, employer's response to inquiry and intra-corporate transfers of inforn tion to personnel. Absolute privilege is based a public policy that employers and others showing legitimate interest in subject matter protected regardless of the truth, falsity or motive.[57]

Most jurisdictions, however, recognize o a qualified privilege.[58] Qualified privilege lin the circumstances under which an employer may be held liable while still providing the defamed party with some recourse. The qualified privilege which seems most applicable to a claim of self publication is the "common interest privilege" codified by Cal. Civ. Code § 47(c)(3). A defendant in a defamation action may claim as a defense a qualified privilege with respect to communications made between parties with a common interest in the subject matter of the communication.[59] This privilege has more commonly been held to apply to statements concerning grounds for a plaintiff's termination, communicated by a former employer to a prospective employer, or to the plaintiff's former co-workers.[60] The privilege is lost if actual malice is shown—"ill will, bad or evil motive, or such gross indifference to the rights of others as will amount to a willful or wanton act."[61] The plaintiff bears the burden of proof on malice.

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[49] Ga., Mich.

[50] Ohio, Minn. Siegel, Howard J., "Self-Publication: Defamation Within The Employment Context, 26 St. Mary's Law Journal 1, 3 (1994).

[51] *Churchey v. Adolph Coors Co.*, 759 P. 2d 1336 (Colo. 1988) (en banc) (employee discharged over misunderstanding regarding a medical absence). *Harrell v. Dillards Department Stores, Inc.* 644 N.E. 2d 448 (App. C. of Ill., 5th Dist. 1994) *Layne v. Builders Plumbing Supply Co.*, 569 N.E.2d 1104 (Ill. 1991). *Lewis v. Equitable Life Assurance Society of the United States*, 389 N.W.2d 876 (Minn. 1986) is "the better" view.

[52] *Weldy v. Piedmont Airlines*, 1991 WL 5147 at 3 (W.D.N.Y. 1991) ("a defendant in a compelled self defamation case can be every bit as culpable as in any other defamation case").

[53] *Lewis v. Equitable Life*, 389 N.W.2d at 888 (Minn. 1986). *See also McKinney v. County of Santa Clara*, 168 Cal. Rptr. 89, 94 (Cal. Ct. App. 1980).

[54] *Siegel*, at 16.

[55] Restatement (Second) of Torts § 558 (1977).

[56] *Yetter v. Ward Trucking Corp.*, 585 A.2d 1022 (Pa Super. Ct. 1991)(employer placed defamatory mat in employee termination notices). The purpose o absolute privilege is to encourage the employer's communication to the employee of the reasons fo discharge.

[57] *Deluca v. Reader*, 323 A.2d 309, 313 (Pa. 1974).

[58] Minn., Miss., Ala., Mo., Nev., N.M., Or. are state have addressed the issue of qualified privilege in context of self-defamation.

In jurisdictions which do not recognize self-publication, privilege is not an issue. However, many jurisdictions have not addressed this question and still others have not had either state high court or legislative guidance on the subject and may yet choose to recognize the tort of self publication. "The direction of modern authority is plainly toward the recognition of a claim because the doctrine is in no respect a radical departure from conventional principals of tort law."[62] Privilege can provide a significant defense and employers should be aware of its significance.

## EMPLOYMENT APPLICATIONS, INTERVIEWS, AND HIRING

The purpose of the previous discussions is to assist employers in recruiting and hiring fit employees. The actual and practical process of doing so is discussed below.

### *Review and Update Applications and Hiring Practices*

School districts should develop a demonstrably fair recruitment program that also meets the needs of the employer. Personnel managers should be made aware of Title VII and ADA guidelines and the significant roles they play in employment decisions. All applicants should be treated consistently for two reasons: 1) cultural and educational diversity; and 2) to avoid costly litigation. Applicants should be so treated at each stage of the process. Litigation can be avoided by developing specific, job-related guidelines for interviews, training interviewers in the use of those guidelines and assuring that guidelines are consistently applied. An occasional review of the EEOC Guidelines for Hiring Practices will assure that the attorney can recognize the district's deficiencies, if any, in adhering to those procedures. Questions which have a discriminatory impact on protected groups and are not job-related are unlawful.

1. Require that all resumes or applications, solicited or unsolicited, and all proposed hiring decisions be reviewed by a central authority ensuring consistent treatment. A separate policy regarding unsolicited resumes may be helpful.[63] This assures the district that each

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[59] *Batch v. Russ Berries and Company, Inc.*, 1994 WL 634052, at 7 (N.D. Cal.). Statements made in employee appraisals given as cause for termination and repeated in subsequent job interviews subject to qualified privilege which can be defeated if malice is shown.

[60] *See also Steinbach v. Northwestern National Life Insurance Co.*, 728 F. Supp. 1389 (D. Minn. 1989).

[61] *Houston v. Grocers Supply Co.*, 625 S.W.2d 798, 801 (Tex. Civ. 1981).

[62] *Chrzanowski v. Lichtman*, 884 F. Supp. 751, 754 citing *Weldy*. Plaintiff dismissed for allegedly breaking and entering was not told reasons for dismissal until several months later at another employee's unemployment hearing. Plaintiff claimed he felt compelled to reveal reasons for dismissal to prospective employers

[63] Unsolicited resumes sometimes lead to discrimination claims when the individual is not hired. Some suggestions are:

a. If the employer is not going to keep the resume, send it back stating the district's policy not to review unsolicited resumes (do not include any language indicating the resume has been considered).
b. If the resume is kept, mark the date received and notify the individual in writing that it will be retained for a specific period of time and that unless the individual is contacted within that time, the resume will no longer be considered.
c. Require persons seeking employment to complete the standard district application before considering them for employment.
d. Do not distribute application forms unless the district is hiring.
e. Establish a system for handling all resumes from "headhunters."

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plicant will be asked and provided with the me information. Treating each applicant the me will reduce any appearance of discrimina- n.

2. If the employment is "at will" include statement on the application indicating that e employment relationship may be terminated either party at any time, with or without otice, and can be changed only by written reement between the parties to the original reement.

3. The application should require: prior nployers and dates of employment; position d duties; reasons for leaving; persons to ntact; reference names (ideally non-relatives); d an indication of the specific job for which e application is being made.

Negligent hiring raises the issue of an nployer's liability when references are checked ut the previous employer gives "bare bones" commendation in spite of some previous dication of a problem. Under the Tarasof Duty to Warn" the previous employer may ave a duty to the prospective employer and ird parties who may be injured. However the duty to warn" must be weighed against the eed for discretion in recommendations and ossible claims of defamation. In the school etting, it would seem that the answer may lie n a balancing of the risks (*i.e.* the position and xposure to third parties) and the type of nformation the previous employer may have.

4. If necessary, include a statement on he application that the applicant agrees to rovide authorization for any pre-employment rug screens, medical examinations, investigative eports or criminal record checks on which the mployment is conditioned.

5. Include an acknowledgment that roviding false information on the application is ause for rejection of the application or dis- harge, even if discovered after hiring.

6. Because qualifications vary for profes- ional and non-professional positions, a school istrict may utilize separate distinct forms for ifferent categories of jobs.

7. Permissible interview questions also relate to questions included on a standard application form.

## PROCEDURES

Identify qualifications that are related to the job for which the district is hiring or which an applicant is expected to possess within a reasonable time after employment. Complete accurate job descriptions should be regularly updated and reviewed by the attorney.

Qualifications may include:

Medical - The ADA prohibits pre-offer medical examinations, but applicants may be offered a position contingent upon satisfactory completion of a medical examination if such a policy complies with the Act.

Physical Strength/Agility - This type of testing requires identifying job requirements in terms of strength demands, energy expenditure and cardiac output and using scientific methods of measuring the applicant's capacity to meet those requirements. However, such tests may impact adversely on an applicant's rights under the ADA requiring identification of the "essential functions" of the job and whether or not "reasonable accommodation" may be had. The employer will have to show that the test is job-related and consistent with business necessity where they are likely to impact adversely on women and minorities. Tests should be administered uniformly to all applicants for the same job that requires physical ability.

Aptitude and Achievement Tests - Scored tests may be attacked under Title VII if they disqualify women or minorities at a substantially higher rate than other employees and do not demonstrably measure job performance. Tests closely related to actual job content are more likely to be valid.

Educational Qualifications - While educational requirements are acceptable for teaching, administrative and "highly skilled professional jobs," school districts should be cautious with setting such requirements for non-professional positions such a clerical, maintenance and transportation staff. The district should, where possible, consider training and experience equivalents rather than rejecting the applicant for failure to meet educational requirements.

Experience Requirements - The more highly skilled the job, the more likely experience or educational requirements will be upheld. Districts are entitled to evaluate applicants based on requisite ability or experience for a particular job. Selecting the applicant with the broadest experience, specific experience or extra skills most suited to the job is lawful.

Height and Weight - These may also adversely impact women and certain ethnic groups and should have a precise relationship to a specific job.

Sex/Age/Race as BFOQ - Sex may be a BFOQ in narrow circumstances - usually recognized only for authenticity or genuineness and occasionally when privacy concerns demand it. Race never. Applicants may not be denied employment based on stereotypes. Age may be considered primarily where there is an overriding interest in public safety. The employer must show either 1) that a factual basis exists for believing that all or substantially all persons over the age limit would be unable to perform the job safely or 2) that dealing with older employees on an individual basis would be impossible or highly impractical.

## REFERENCES

References should be sought as part of a good faith effort to evaluate prior job performance and are a valid basis for rejecting an applicant; they may not be used for discrimination. Reference checks should be used to confirm the accuracy of the information provided on the application form and the applicant's honesty, and may uncover instances of prior misconduct. A prior disciplinary record may also provide the basis for rejection. Ask factual questions that will support conclusions about an applicant's character or fitness. Typical questions would include attendance, disciplinary record, reasons for leaving, positions held (including responsibilities, advancement history and skills), performance ratings, salary and benefits history and gaps in employment history. Applicants should be informed that the form should be filled in completely and each questions answered. There should be a uniform policy for checking references. All reference checks should be thoroughly documented to protect against negligent hiring claims.

## INTERVIEWS

Interviews are a source of job-related information on applicants and provide an opportunity for the employer to get a complete picture of skills and abilities. However, interviews are also subject to federal and state equal opportunity laws. The adverse impact test for discrimination applies to interviews as well as tests and other objective as well as subjective criteria.[64] The following categories should be avoided:

1. Marital and Family Status – Job decisions based on applications or interviews containing these type of questions may be considered based on sex stereotypes.

2. Personal History – Usually these questions are not job-related.

3. Associational Activities – This type of question may lead a person to feel he has been rejected because of his affiliation with a group. Questions regarding leadership and responsibility in community activities may be viewed as an indirect way of determining group affiliations.

4. Subjective Criteria – Use of such criteria is subject to closer scrutiny by the courts due to the reliance on individual judgment rather than impersonal standards. This is especially true in the interview setting where bias is more likely to arise. Challenges can be avoided by the use of written guidelines for interviews. Interviewers should be instructed, and strive to ask the same questions of all applicants for a particular job. Subjective criteria is more readily accepted in jobs for supervisory positions.

5. Adverse Impact – Questions which result in a disparate impact on minority, female, or disabled applicants should be strictly avoided.

Generally, the following categories of questions are permissible:

1. Ability To Perform the Job – This includes questions regarding certifications, college hours and grades, work history, current job status, on-the-job training, and relevant skills and talents.

2. Willingness To Complete a Physical Examination – This questions is permissible under the ADA only if asked of all applicants.

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[64] Wood, Challenges of Recruiting, 5.

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A pre-employment physical may be required only in the post offer stage. However, the offer may be contingent upon a successful examination. Note: in this respect accurate job descriptions are important. Essential skills and duties should be identified and listed, particularly anything requiring physical strength and agility.

3. Nepotism – In some jurisdictions it may be permissible to ask if the applicant has relatives on the school board or board of trustees within the degree of affinity prohibited by the state nepotism laws, provided that family status is not a protected classification.

4. Outside Business Activity – Questions regarding outside activities which may interfere with the applicant's ability to perform the job or which are prohibited by board policy are appropriate.

5. Prior Convictions - See previous discussion under negligent hiring.

## DOCUMENTATION

Establish written guidelines for each stage of recruiting and hiring. Evaluate job descriptions and employment applications regularly in light of new regulations. Legal counsel can provide advice on the language and structure applications and job descriptions as well as permissible interview questions. A structured format in which all interviewers complete training, use the same approved list of questions, and complete a standardized post-interview checklist will dispel appearances of subj tive hiring decisions and assure that thorough background checks have been completed.

School employers should be on the look out for statistics which provide indicia of dis ate impact. Avoid careless written comments documents that may result in liability should litigation become necessary. Beware of shorth remarks and memory jogging notes that may deemed "buzzwords" for discriminatory comments ("over qualified" held to imply "too old"[65]).

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[65] *Taggart v. Time, Inc.* 924 F.2d 43 (2nd Cir. 1991)

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## Neighborhood House Charter School
## Resume Review Checklist

### Knowledge

______ Demonstrated understanding of issues (such as health and human services available to children, violence in cities, etc.) facing children who live in urban setting

______Demonstrated understanding of children and issues surrounding their developmental needs, particularly the age-group which teacher will be teaching

______Demonstrated knowledge of elementary school curricula including knowledge of non-traditional instructional strategies such as:

- Cooperative learning
- Computer assisted learning
- Teacher as facilitator
- Open-ended questions in the learning approach
- Nontraditional assessment
- Integrated learning

______Demonstrated strong subject-matter knowledge but also a generalist

______Demonstrated intelligence but in a way that extends beyond the classroom

______Demonstrated their awareness of/ and success with at-risk students

### Skills

______Demonstrated ability to utilize a wide range of resources effectively.

______Demonstrated ability to work well with parents to achieve common objectives

______Demonstrated experience as a team builder but also to work independently

______Demonstrated experience as a team player (fits in well with the specific teachers being hired)

______Demonstrated multiple skills/ talents (i.e. dual major, passion for music as well as for English)

______Demonstrated organizational skills but with a willingness to be flexible

______Demonstrated ability to differentiate instruction to particular students needs

______Demonstrated ability to facilitate as well as to learn (to be the "The guide on the side as opposed to the sage on the stage.")

______Demonstrated ability to assess students in multiple ways

______Demonstrated ability to create respect and awareness of societal roles in the classroom

______Demonstrated ability to create beginning, middle and end to school day

______Demonstrated ability to organize thoughts coherently both orally and in writing

______Demonstrated experience with children of similar age group to those they will be teaching

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## Neighborhood House Charter School
## Resume Review Checklist

**Behaviors**

______Demonstrated flexibility .
______Demonstrated belief that all children can learn, albeit in different ways, from a challenging curriculum
______Demonstrated inclusive behavior toward children
______Demonstrates love of and commitment for children
______Has passion in life
______Demonstrated ability to take risks
______Demonstrated holistic approach to learning
______Demonstrated ability to be reflective; responsive to children's needs and what works best
______Demonstrated ability to see children in the context of family
______Demonstrated sense of vision
______Demonstrated "We" instead of "us vs. them" mentality
______Demonstrated innovation and creativity
______Demonstrated ability to specialize in subject area
______Demonstrates a sense of humor
______Demonstrates honesty
______Demonstrates integrity
______Demonstrated belief that students have a say in what they learn and how they learn best
______Demonstrated belief that students need to make connections between school and their life situations
______Demonstrated commitment to diversity and teaching a multi cultural education
______Demonstrated that they don't "give up" on kids

Other

_______Bi-lingual
______ Special Education Teacher

An **Applicant Tracking Form** should be completed for each candidate who passes the resume screen. Committee members should complete this form for each candidate at every stage of the process (i.e. when an application is sent to the candidate, when an interview is set, etc.) This form follows. As the committee eliminates candidates from the selection process, it should send a letter to them thanking them for their interest and offering to keep their resume on file. This process should be managed by the administrative person at NHCS. The **Applicant Tracking Form** follows (**TOOL #2**).

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# Neighborhood House Charter School
# Applicant Tracking Form

TOOL #2: An administrative person within NHCS should record each candidate's progress on this form.

Applicant's Name: ______________________________
Address: ______________________________
______________________________
Phone Number: ______________________________

PHASE I: RESUME
Date Received:
Action Taken:
Date Action Taken :

PHASE II: APPLICATION
Date Application and NHCS Materials Sent to Candidate:
Date Received from Candidate:
Action Taken:
Date Action Taken:

PHASE III: INTERVIEW
Date Set:
Action Taken:
Date Action Taken:

REFERENCES CHECKED:
Action Taken:

PHASE IV: TEACHER OBSERVATION
Date Set:
Action Taken:
Date Action Taken:

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FINAL SELECTION
CORI Check Completed:
Date Offer Made:

## 2. Phase II: Application and Case Study and Measurement Tool

The hiring committee should send an application to each candidate who "passed" the resume screen. A packet of information about FDNH and NHCS including its mission, the structure of the school and its educational philosophy should be sent to the candidate along with the application. The application should have two open-ended questions which assess the candidates' fit with NHCS. The candidate should respond to each question in a one-page essay. These questions will provide an opportunity for the candidate to discuss his or her educational philosophy. Two such questions could be:

> How would you incorporate knowledge from your previous teaching experiences in your work at NHCS? In responding to this question please discuss your educational philosophy.
>
> What are the important issues facing youth in urban areas? How do these issues impact the classroom and how do you address these issues as a teacher?

In addition, this application will mention two case studies (neither of which the candidate should respond to in the application), one of which will be asked of the candidate if he or she is selected to be interviewed.

The following is a suggested example of a case study: Johnny has a limited attention span and can focus for only a short time on any one task. How would you develop a curriculum addressing Johnny's needs?

We suggest utilizing the following Candidate Application (TOOL 3A) and the Applicant Evaluation Form (TOOL 3B) for Phase II of the candidate selection process. These forms follow. See Appendix F for an application evaluation form from the South Shore Charter School.

In reviewing applications, the committee should assess candidates by criteria outlined on the Applicant Evaluation form. These criteria are meant to assess the candidate's overall fit with NHCS. The committee should decide through consensus which applicants to proceed to interview.

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3. Phase III: Interview

The committee should ask each interviewee the same basic questions to create a standardized process with modification based upon their subject strengths and the age children with whom they'll primarily be working. Committee members should ask each candidate additional follow-up questions, which may be different for each individual.

Open-ended questions as opposed to yes/no ones are the most effective. These are questions in which the candidate can not just feed back "buzzwords" such as "cooperative learning," etc., but where you can find out if he/she has some clear vision, familiarity and experience working with kids. We have compiled the following types of questions in order find out the candidate's knowledge, skills and behaviors. Again we used the same KSB's for each step in our recruiting and selection process. Not every interviewer will ask all questions, but each interviewer should have at least one from each category. See Tool 4A and Tool 4B for **Interview Tool** and the **Interview Evaluation Form**, respectively. See Appendix G for a sample interview from City on A Hill Charter School.

The hiring committee should use the interview evaluation form to assess the candidate's performance at the interview. This form groups together question which get at similar knowledge, skills and behaviors. Hiring committee members should arrive at consensus after this stage as to which candidates should proceed to the final stages of the selection process.

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# INTERVIEW

Tool 4A

- **Questions 1-6 focus on, among other KSBs, whether the candidate:**
  - **believes that all children can learn**
  - **works well with parents and involves them in the classroom**
  - **has a love and commitment for children and family**
  - **has a "we" attitude**
  - **is flexible**
  - **is a risk-taker**

1. Describe your most positive moment in the classroom and the outcomes of this moment.

2. Describe your most difficult moment in the classroom and the outcome.

3. Describe positive relationship that you have had with a child and the outcome.

4. Describe a particularly difficult relationship which you have had with a child and the outcome.

5. Based upon your previous experiences how much time do you spend with parents each day, week?

6. Describe a difficult parent with whom you've had to work and the outcome?

- **These questions reveal whether the candidate, among other things, has beginning, middle and closure to their day and whether they have a "vision" for their classroom.**

7. Describe a typical school day.

8. Describe what we would see, hear, feel, smell and touch if we walked into your classroom ?

9. Describe one of your favorite learning activities? Include how you transition into it and how you wrap up the project?

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- These questions get at the candidates' particular content knowledge.

24. What topic or area do you know, understand, and demonstrate the greatest proficiency?

25. What is the topic or area in which you demonstrate the least proficiency?

26. Have you integrated reading, social studies, and math? Describe the situation.

- **To find out about the candidates' passions and interests ask the following:**

27. When you are not thinking about school and education how do you spend your time? What does this time give back to you?

To further determine the candidate's passions and interests, the NHCS hiring committee should talk to the candidate informally over lunch or ask him or her a series of "wild duck" questions. These might fall under the following types:

28. Ask the candidate a question regarding literary interests. Some questions might include.

    - You're asked to bring a friend to an evening of conversation. Who from the literary world would you bring?

    - Which book has had the biggest impact on you?

29. Who do you admire most? or: Who is your hero(ine)?

30. If you could travel anywhere in the world where would you go?

- Case Study

31. Ask a question regarding one of the case studies on application.

**• These questions enable the committee to see how creative and resourceful the teacher is.**

10. What was something new that you brought to your previous school?

11. Describe your personal working/office environment at home or at school?

12. Describe specifically how you have approached resource limitations in a school to achieve a personal goal objective in your classroom?

**• The candidates' response to these questions can help the hiring committee determine if the candidate is a good fit for the school.**

13. How do you define cooperative learning? Describe your efforts in the area of cooperative learning. What have been some of your successes and failures?

14. How do you define team teaching? Describe your experience with team teaching? What have been some of your successes and failures?

15. What experience/knowledge if any do you have with the portfolio method of evaluation? What do you like/dislike about it?

16. What type of reward systems have you used during your career or within your private life?

17. How have you or what tools have you used to assess students?

18. Describe how you have measured "knowledge" or competency in students?

19. What have you done when you've had one student who reads at the first grade level and one who reads at the sixth grade level?

20. What does an integrated day mean to you?

21. What tasks facing the start-up of this charter school would you enjoy taking on? In which areas do you have unique experience?

22. Charter schools are getting a lot of press. Many opponents of charter schools argue that they are draining the public schools of resources. Proponents argue that the innovation and autonomy of charter schools are the public school system's last hope. Why do you want to become involved in a project which is under such intense scrutiny?

23 What kind of system do you advocate for teacher evaluation?

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An **Interview Evaluation Form (TOOL 4B)** will ensure a standardized interview tracking process for each candidate.

If the committee is interested in the candidate following the first interview, the committee should contact the references listed on the candidate's application form. Committee members should also check "informal" references--those people, not listed as "references," who know the candidate and might be able to provide some insight on their fit with NHCS. Due to the nature of reference checking, it is best to have a Human Resource professional make these calls.

# Interview Evaluation Form

Tool 4B:

Name of Candidate: ____________________ Reviewed By: ___________

- **Questions 1-6 focus on, among other KSBs, whether the candidate:**
  - **--believes that all children can learn**
  - **—works well with parents and involves them in the classroom**
  - **—has a love and commitment for children and family**
  - **—has a "we" attitude**
  - **--is flexible**
  - **—is a risk-taker**

How well did the candidate demonstrate these characteristics?

Very Well ___ Well ___ Not Well ___

- **Questions 7 - 9 reveal whether the candidate, among other things, has a beginning, middle and closure to their day and whether he/she has a "vision" of their classroom.**

How well did the candidate demonstrate these characteristics?

Very Well ___ Well ___ Not Well ___

- **The candidates' response to questions 13 - 23 can help the hiring committee determine if the candidate is a good fit for the school with respect to their educational philosophy.**

How well suited is the candidate's educational philosophy to NHCS?

Very Well ___ Well ___ Not Well ___

- **Questions 24-26 get at the candidates' particular content knowledge.**

How strong is the candidate's content knowledge?

Very Well ___ Well ___ Not Well ___

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- **Question 27-31 are meant to provide an opportunity for the candidate to discuss his or her passions and interests.**

How strong are the candidates' passions and interests outside of the classroom?

Very Well ____ Well ____ Not Well ____

- **The last question is a case study intended to reveal how thoroughly the candidate prepared for this case study ahead of time and how well he or she responded to it.**

How well did the candidates' response fit with the mission of NHCS?

Very Well ____ Well ____ Not Well ____

# Session B: Policy Development

**Key Issues:**

1. Enrollment
2. Governance
3. Educational philosophy
4. Public relations
5. Instruction
6. Budget
7. Discipline

**Goals:**

1. Participants will have general knowledge of the various policies schools should have
2. Participants will be able to develop an appropriate policy guide for their school

**Instructional Resources:**

Smith, B. W. (1998). Thoughts on writing school board policies. NSBA Council of School Attorneys State Association Counsel Meeting April 2, 1998.

**Additional Resources:**

Charter school legal issues by state. See: State-specific resource workbook.

Littleton Academy Charter School. (1997). Classified Staff Hiring and Assignment. In Littleton Academy Policy.

Crighton, J. V. The ECIS Policy Planner (Second Edition). The European Council of International Schools, Inc., 21B Lavant Street, Petersfield, Hampshire, GU32 3EL. England.

Minney, P. C. (1998). Model Suspension and Expulsion Language for Charter Schools.

Jefferson Academy Charter School. (1996). Staff Policies and Procedures. Jefferson County, Colorado.

**Session Structure:**

1. General description of policy development and policies
2. Overview of different types
    a. How different law necessitates different policies
    b. Small schools versus big schools
3. Use examples from Colorado Handbook

# Curriculum Outline for:
## Session B: Policy Development

- I. **Specific Policy Issues**
  - A. Liability and Insurance Issues
    - 1. Relates to legal status of the school
    - 2. Depends on relationship with the districts
    - 3. Many school use the district for insurance
    - 4. Develop a list of things for which the school is liable
    - 5. Other issues—workers compensation, insurance issues

  - B. Financial Policies
    - 1. Policies are needed for:
      - a. Spending money, purchasing
      - b. Contracting for services
      - c. Procurement
      - d. Check signing
    - 2. Fiscal issues:
      - a. Tax identification numbers
      - b. Payroll and accounting systems
      - c. Insurance
      - d. Bank accounts
      - Salary schedule(s)
      - f. Procurement procedures
      - g. Expense reimbursement
      - h. Financial reporting
    - 3. Become familiar with General Accounting Procedures (GAP)

  - C. Other Policies
    - 1. Governing board, by-laws
    - 2. Personnel issues
    - 3. Financial services and the budget
    - 4. Educational philosophy
      - a. Instructional goals and objectives
      - b. Curriculum and standards
      - c. Evaluation and assessment procedures and strategies

5. Enrollment policy
    a. Equal education opportunity
        -Idea and Section 504
        -Title VI and VII (Civil Rights)
        -Title IX of the Education Amendments of 1972
    b. Parent involvement contracts
    c. Immunizations
    d. Residency requirements
    e. Placement examinations
6. Student conduct
    a. Student code of conduct
    b. Discipline code
        -Code of ethics or code of conduct
        -Discipline policy (expulsions, suspensions)
        -Student handbook
7. Parental rights
8. Public relations
9. Legal status of the school
10. Facilities and services
11. Policies about policies
    a. How are policies made?
    b. When are policies implemented?
    c. How to disseminate policies
    d. How to revise policies

# Thoughts on Writing School Board Policies

NSBA Council of School Attorneys
State Association Counsel Meeting

April 2, 1998

Bruce W. Smith, Esquire

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# Thoughts on Writing School Board Policies

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It is probably safe to say that every school board in the country has dozens if not hundreds of policies addressing an enormous variety of issues. Due to the considerable effort and resources required to write effective, understandable and legal policies, the quality of such policies is uneven at best. School attorneys address policies from two very different perspectives: first, writing and reviewing policies and, second, advising school districts concerning the application and implementation of policies that already exist. Any school attorney who has practiced for long has had the experience of being asked to provide advice in a matter involving a policy that is ambiguous, out-dated, or just plain illegal. The following suggestions grow out of such experiences.

## 1. Assume the policy is the law.

Courts have held that school boards are bound by their own policies.[1] Whether there is definitive authority on this issue or not, however, it only makes sense to assume, when writing policies, that school boards will be required to abide by any policies they

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[1] See, e.g., Nordhagen v. Hot Springs School District 23-2, 474 N.W.2d 510, 70 Ed. Law Rptr. 620 (S.D. 1991); Ex parte Etowah County Board of Education, 584 S.2d 528, 69 Ed. Law Rptr. 982 (Al. 1991); 1 Rapp, Education Law, § 3.05(b) (Matthew Bender 1998). Compare Hohmeier v. Leyden Community High Schools District 212, 954 F.2d 532, 72 Ed. Law Rptr. 532 (7th Cir. 1992)(school board's employment termination policy did not create constitutionally protected property interest).

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adopt. If policies are going to have the force of law, they should be prepared with the same care with which legislation is written.

It is not uncommon for school boards to adopt policies without having them reviewed by an attorney, or on the belief that they have been reviewed by an attorney for a different school district or the state school boards association. This can result in the adoption of policies that may impair the legal interests of the school district or even conflict with the law. While the making of policy is clearly the duty and prerogative of a school board, the determination of whether such policy is legal and consistent with the legal interests of the district is the province of a competent school attorney.

**2. Many policies are required by law.**

Many state and federal laws require that local school boards adopt policies to implement the mandates of those laws. If a school board lacks a policy required by law, it may be placed at a substantial disadvantage when it has to deal with an issue that would be covered by that policy.

One example is the requirement under the Family and Medical Leave Act that employers decide what 12-month period they will use for computing an employee's entitlement to family and medical leave. The regulations provide that if the employer has not selected and provided notice of the applicable period, whatever 12-month period that is most beneficial to the employee will apply.[2]

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[2] 29 CFR § 825.200

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### 3. Policies can define the scope of protected constitutional interests.

In certain areas of constitutional law, courts are more likely to uphold a school district's action when the district has a clear and specific policy addressing the matter in issue. For example, with respect to free speech rights of students, clear and specific policies defining impermissible forms of speech and the time, place and manner of speech will be very useful when disputes concerning the permissibility of expression arise. In large part, schools can define whether a limited open forum exists and define the limits of that forum provided that such restrictions are content neutral. Policies on student dress, leafleting, postings, publications and other expressive media help schools to regulate speech in a lawful manner. On the other hand, in the absence of such policy, ad hoc efforts to impose prior restraints or to punish student expression place the district at risk of constitutional liability.

Policies are also very useful in defining the fourth amendment privacy rights of students and employees. For example, a policy declaring student lockers to be school property subject to random inspections at any time will define the students' reasonable expectation of privacy and help to protect the school from liability for fourth amendment violations. A policy stating that e-mail and all other computer communications will be monitored should produce a similar result.

### 4. Beware of policies that simply reiterate, paraphrase or supplement the law.

Some statutes require that school boards adopt policies regarding the subject matter of the statute. In such circumstances, the policy writer should think carefully about what (if anything) the law requires be addressed in the policy, and what she wishes

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to achieve with the policy. There is a rarely a good reason to attempt to restate or paraphrase the law in the policy. If the restatement is incomplete or in any way inconsistent with the statute, there will be a risk that those administrators and school boards applying the policy will not comply with the statute. Attempts to put statutory legalese into plain language can be perilous because the policy may not adequately ensure compliance with the law.

Such policies should ordinarily address only those matters that the statute leaves to local discretion. They should fill in the gaps. If the statute is comprehensive, the policy may be a very brief one. It is very important that such policies refer prominently to the statute so that the reader will know to check the statute. It often makes sense to attach a copy of the statute to the policy as an appendix.

### 5. Avoid imposing duties and responsibilities on school boards that exceed those imposed by the law.

As noted above, policy-writers should regard themselves as makers of the law. Often less law is better than more law. When good intentions are codified, the policy may backfire if the school district wishes to act in a manner that is permitted by state statute, but prohibited by their own policy. For example, state law may authorize a school board to expel a student for violent behavior. A school board may adopt a student discipline policy stating that the penalty for the first offense of fighting shall be suspension, and that the penalty for the second offense may include expulsion. If the student badly injures another student in his first fight, the school board may find its hands tied by its own policy if it wishes to expel the student. At the very least, the student will have an issue on which to base an appeal if the board expels on the first offense.

Beware of using phrases that commit the school district to certain actions or create duties. For example, pay careful attention to the language following the phrase, "The school district shall...." Another phrase to watch out for is, "It is the duty of the district to...." Such commitments may have the effect of extending the duties or potential liabilities of the district.

### 6. Keep policies as short as possible.

School board policies are proliferating. Congress, state legislatures and educational regulators have all imposed more and more requirements on school boards to adopt policies. Too often, administrators responsible for policy compliance and enforcement lack adequate familiarity with the district's policies. Often they take action without even realizing that the school board has a policy governing administrative actions in the area in question. One way to help ensure the policy manual is read by those who must implement it is to keep policies short and to avoid duplication.

To streamline policies, school boards should consider consolidating similar or overlapping policies. In the area of discrimination laws alone, many policies and procedures are required. Grievance procedures are required for sex discrimination, disability discrimination and age discrimination; these can be consolidated. Similarly, anti-discrimination policies and notices can often be consolidated.

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7. **Use simple, plain language.**

Think about who reads school board policies: administrators, teachers, support employees, parents, students, and the media. To the extent possible without sacrificing precision or the legal interests of the district, policies should be written in plain and simple language. When an employee, community member or a board member cannot understand a policy without the assistance of an attorney, the policy will not be a useful document. The clarity of a policy can be tested by asking someone who is neither a lawyer nor a professional educator to read it for understanding.

8. **Place detailed procedures and rules in administrative rules that can be changed by the Superintendent without school board review.**

The procedure for school board approval of policies is often protracted and time-consuming. It is not unusual that certain aspects of policies will need to be amended from time to time. If the amendments have to do with procedures for implementation of the policy or technical details, the process for school board review and approval may be excessive, and may in fact function as an obstacle to timely up-dating and fine tuning. As an alternative to this approach the school board may delegate to the superintendent the authority to promulgate and revise procedures or rules that implement a more general policy statement that the school board adopts.

9. **Allow for some flexibility in enforcement.**

There are occasions when application of a policy will produce an obviously unfair, absurd, or otherwise clearly inappropriate result. If a deviation from the policy will be detrimental to an affected person, however, the school district may risk a claim by that

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person by deviating from the policy. To permit those implementing the policy to adjust to unusual circumstances without violating the policy, a clause that authorizes exceptions in such cases will be useful.

### 10. Clearly state a sound rationale for the policy.

Occasionally a policy, or a particular application of a policy, will be challenged on the basis (equal protection or sometimes substantive due process) that the policy does not bear a reasonable relationship to a legitimate governmental purpose. In a number of cases, for example, student attendance policies that reduce grades due to school absenteeism have been challenged in state and federal courts. The argument may be that the grade reduction is not rationally related to the absence, particularly if the student performs well on tests or other assessment methods.

It is useful in defending against such charges to have a clear statement of the rationale for the policy. The stated rationale should be based on relevant, provable facts and competent professional opinions. If the policy is put to the test, the school district should be in a position to present substantial evidence supporting the need for the policy as written.

### 11. Identify the dates of adoption and all revisions.

This is an obvious point, but we still run across policies with no adoption date. The dates of adoption and all revisions, recorded on the policy, can be very helpful for those researching the history of the policy, its intent and the circumstances under which it was adopted.

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12. **Identify the relevant statutes.**

This is particularly important where the policy has been adopted to implement a particular statute. The policy should steer the reader to the statute.

13. **Review and update regularly.**

It is practically an axiom that school policies are not revised to comply with changes in the law until after the old policy has been applied in a manner that is illegal under a law enacted subsequent to the adoption of the policy. It is a cumbersome and tedious task to regularly review all policies for compliance with current law, but such reviews will ensure not only compliance with the law, but consistency with current conditions and practices.

14. **Avoid wholesale adoption of sample or boilerplate policies.**

Sample policies are extremely useful to school boards, and the preparation of such samples is a very useful service provided by state school boards associations. Administrators and school boards should in all cases, however, review the policy thoroughly and make adjustments as necessary so that the policy will be appropriate for the existing policies, conditions and practices in the district. If this is not done, the school could easily find itself in a situation where it applies a boilerplate policy that conflicts with another policy or an existing condition or practice in the district.

15. **Consider a policy on policies.**

In light of the likelihood that not all school district policies will be complete, consistent with the law, up-to-date, and suitable for all contingencies, school districts should consider adopting a general policy addressing application, interpretation and

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exceptions school board policies. An example of such a policy is attached. A general policy could also address such contingencies as conflicts with the law, conflicts between policies, the absence of policies required by law, and clarification of ambiguities.

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## § 31.13 School Board Policies and Administrative Procedures—Defined, Limitations and Exceptions

### Section 1. Generally

The policies of the Board of School Directors of the _____ School District are intended to establish the general and overall rules within which the day-to-day operations of the school district are to be governed. Procedures for carrying out and implementing the broad policies of the School Board on the day-to-day basis are to be fashioned and adopted by the administration under the direction of the School District Superintendent. As applicable, members of the School District community are expected to comply with both Board policy and administrative procedures, subject to the limitations and exceptions set forth hereinafter. However, the failure of the School Board or the Administration of the school district to comply with policy shall not invalidate any lawful action taken.

### Section 2. Contents of Board Policy and Administrative Procedure

The policies of the Board shall be composed of (1) the policies contained in this Policy Manual, (2) the contents of the administrative job descriptions adopted by the School Board, (3) the Code of Student Conduct; and (4) Compensation Memorandum.

The procedures of the administration shall be composed of (1) the Administrative Handbook; (2) Department Procedural Manual, (3) Regulations for the Collection, Maintenance, Dissemination and Destruction of Student Records, (4) Student Activities Fund Manual, (5) Forms Management Manual, and (6) Emergency Management Manual.

Administrative procedure is not part of Board policy and may be altered by the administration without Board action. Administrative procedure, however, may not conflict with Board policy.

### Section 3. Limitations of Policy

Neither the policies of the Board nor the procedures of the administration are intended, nor shall they be construed, to supersede or preempt any applicable law, whether constitutional, statutory, regulatory, or common in origin. Consequently, all Board policies and administrative procedures shall be given both an interpretation and application which is lawful. The Board shall have the final interpretation of its policies and the administration shall have the final interpretation of its procedures.

As the Board policies and administrative procedures are limited by legal constraints, so too are the rights of those to whom the Board policies and administrative procedures apply. Neither the policies of the Board nor [illegible] procedures of the administration are intended to expand

the rights of individuals beyond those established by law or to give any individual a cause of action not independently established in la Enforcement of Board policy shall rest exclusively with the School Boa and enforcement of administrative procedures shall rest exclusively wi the administration.

Board policy and administrative procedure shall not preempt, creat supplant, expand or restrict the rights or liabilities of students, emplo oes, taxpayers or others within the school district community beyo those that are established in law and are not intended to restrict or lin students, employees, or other members of the school district communi from pursuing any claims or defenses available under law, wheth constitutional, statutory, regulatory or common law. It is not the inte of the Board that its policies or the procedures of the administration l interpreted as influencing, in either the plaintiff's or the defendant favor, the disposition of a particular civil action.

### Section 4. Exceptions

Exceptions to any policy or the application of any policy may l made if requested or recommended in accordance with the followi procedures:

a. Any person may request an exception to any Board policy or th application of same by submitting a letter to the District Superinte dent, or in his/her absence, to the Deputy Superintendent. The reque shall identify: (1) the name, address and telephone number of the pers making the request, (2) the policy for which the exception is bein requested, (3) the action that the requesting individual desires, and ( the rationale supporting the need for an exception. By way of examp and not limitation, rationale that may support an exception include ( legal necessity; (2) hardship; (3) inapplicability of the rationale of t policy to the particular circumstances at issue, and (4) furtherance compelling interests of the school district.

b. The Superintendent or his/her designee, shall conduct a suff cient investigation of any request for an exception so as to be able formulate a recommendation for the Board. Among the factors to l evaluated are the relevant facts related to the request, the rationale both the policy and the request for the exception, and the disposition prior requests for exceptions to the same or similar policies. Where th request for an exception has legal implications, the Superintendent sha consult with the district solicitor.

c. At the first regularly scheduled School Board meeting followi the completion of the Superintendent's investigation, the Superinte dent shall place the request for exception on the agenda and shall repo to the Board the circumstances surrounding the request and the recom mended disposition. The person who requested the exception shall l notified in advance of the request's placement on [illegible] agenda and th

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Superintendent's recommended disposition. The person requesting the exception shall be given an opportunity to address the Board before the Board determines whether to grant the request for an exception.

d. The School Board shall have final and exclusive authority to determine whether to grant any request for an exception and shall be the sole judge whether the rationale for the exception is sufficient, taking into consideration the recommendation of the Superintendent. Moreover, the granting of exceptions in the same or similar cases shall not constitute binding precedent or practice inasmuch as the prior grant of an exception may establish that the granting of an exception is ill-advised.

e. Exceptions to administrative procedure shall be made in accordance with the procedures established by the Superintendent.

### COMMENT

It is important that school district policy contain clear and unambiguous language limiting the effect of the policies and guarding against the possibility that the policies will increase the school district's legal liability.

**Library References:**

C.J.S. Schools and School Districts § 399–451, 716, 758, 761.
West's Key No. Digests, Schools ⇨77–86.

**§§ 31.14–31.40 are reserved for supplementary material.**

## C. OPERATIONAL POLICIES AND CONTRACTS

**Library References:**

C.J.S. Schools and Schools Districts § 480.
West's Key No. Digests, Schools and School Districts ⇨159½.

### § 31.41 Contract for School Transportation Service (Iowa)

This agreement made and entered into by and between ______, (hereinafter "Driver") of ______, and ______ School District, (hereinafter "District") of ______ County, Iowa, by and through ______ duly appointed and qualified President of the Board of Education, under authorization granted by the Board at a meeting held for that purpose.

Witnesseth:

That for and in consideration of the sum of:

$______ per (school month of 20 days)

$______ per (mile per school month of 20 days)

for ____ school year(s) of 180 days each from ______, 19__ to ______ __, or ______ to be paid in equal amounts at the end of each

month by the District; Driver agrees to furnish transportation ser under conditions listed herein:

(a) To furnish and operate at his own expense a legally appro vehicle of transportation (or a legally approved chassis on wh may be mounted a school bus body supplied and maintained the Board of Education) to and from the ______ school each beginning on the date set by the Board over route as descri [*description*] transporting only children attending public sc designated by District.

(b) To comply with all legal and established uniform standard operation as required by statute or by legally constituted aut ities.

(c) To comply with all uniform standards, established for protect of health and safety for pupils transported.

(d) To comply with all rules and regulations adopted by the Boar Education for the protection of the children, or to govern conduct of driver of bus.

(e) To keep bus in good mechanical condition and up to standa required by statutes or by legally constituted authorities.

(f) To take school bus to official inspection when held by st authorities with no additional expense to District.

(g) To see that the bus is swept and the windows cleaned each and that license plates and all lights are cleaned before each t Further, that the bus is washed and the floor swept scrubbed with a good disinfectant each week. In case of epidemic to wash entire bus with a disinfectant.

(h) To drive the bus himself or to use only drivers and substit drivers who have been approved by the Board of Education a have received school bus driver permits.

(i) To furnish the Board of Education an approved certificate medical examination for each person who is approved by Board of Education to drive the bus.

(j) To attend one county or regional school of instruction for drivers when called by State Department of Public Instructi Division of Transportation. (If owner does not drive the bus, regular approved driver of bus shall attend.)

(k) To carry insurance on bus and pupils with Iowa Endorsement part of policy. As follows: Liability $10,000-$100,000, Prope damage $5,000 and Medical care $250 per [illegible]. Copy of pol to be filed with Superintendent of Schools.

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# Day 4

## Media and Community Relations

Session A: Marketing Your School
Session B: External Community Relations
Session C: Dealing with Controversy

## Accountability

General Session: Academic Accountability
General Session: Fiscal Accountability and
Public/Parental Accountability

# Media and Community Relations— Opening Session

**Key Issues:**

1. Different types of media
   -Who uses the media? How to access the media
2. Marketing the school
   -Surveying, public involvement, parent expectations
3. External community relations
   -Public relations, interest groups, parents
4. Dealing with controversy
   -Acting, not reacting

**Goals:**

1. Participants will become acquainted with members of the media
2. Participants will learn ways to work with the media and develop successful public relations

# Session A: Marketing Your School

**Key Issues:**

1. Marketing your school
   a. Survey the environment
   b. Advertisements
2. Communicating parent expectations
   a. Vision
   b. Contract with parents

**Goals:**

1. Participants will learn how to market their school appropriately.
2. Participants will learn ways to retain students and parents through effective communication

**Instructional Resources:**

Charter Friends National Network. (1998). The Neighborhood House Charter School Family learning contract. In A sourcebook for organizers of charter school planning workshops.

U.S. Department of Education. (1997). Questions and Answers: Application of Federal Civil Rights Laws to Public Charter Schools. (Draft).

**Additional Resources:**

Charter school legal issues by state. See: State-specific resource workbook.

Fenton Avenue Charter School parent contracts

**Session Structure:**

1. General overview of marketing tips
2. Marketing suggestions
3. Equity issues, target populations, relevant state and federal laws
4. Parent expectations
5. Case studies and discussion of effective marketing and communication strategies

# Curriculum Outline for:
## Session A: Marketing Your School

I. **Marketing Your School**
  - A. The need to market your school
    - 1. Local situation determines your marketing requirements
    - 2. Your school depends on students for economic viability
  - B. Making the match—target populations
    - 1. Target students who will benefit from your school's program
    - 2. Match the student body with the mission of the school
    - 3. Be aware of equity and civil rights laws
      - a. It is illegal to affirmatively discriminate
      - b. Schools do not (in most cases) have to affirmatively integrate
  - C. Marketing—doing it
    - 1. Be aware of state laws
      - a. Not discrimination by race, gender, or ethnicity
      - b. Some states do allow achievement tests
    - 2. Charter schools can serve specific groups of parents and students
      - a. School cannot screen students
      - b. School can market their type of school and let parents self select
    - 3. The marketing strategy
      - a. Have a defined mission
      - b. Communicate mission in a marketing plan—who does the school want to serve?
      - c. A separate committee may be formed
      - d. Do market research on families in the area
      - e. Address an area of need in the community
      - f. Put advertisements everywhere there are kids
      - g. Go to town hall meetings
  - D. Targeting student populations (strategies and legal issues)
    - 1. Strategies
      - a. Brochures
      - b. Meetings, one-on-one interviews
      - c. Door to door interviews
      - d. Talk to the media
      - e. Post advertisements in appropriate areas
      - f. Give presentations to community groups

2. Legal Issues
    a. Understand the difference between legitimate marketing and unlawful discrimination
    b. What is the difference between providing information to target audiences and subtle pressures to students to not apply?
    c. Charter schools are public and open to all
    d. Where can a school market—and to whom?
    e. What is the difference between explaining that the school has a particular focus and outright discrimination?

II. **Parent Expectation**
    A. Make it clear to parents that there is a vision and that the curriculum reflects that vision
    B. Tell parents about the curriculum and the school's expectations
    C. Make sure parents are not just joining the school because it is a charter school
    D. Make sure the parents are truly interested in the school's vision and the curriculum
    E. Do intake interviews with parents

CORE

# The Neighborhood House Charter School
# Family Learning Contract

The NHCS believes that learning is a family activity. We seek to create a learning community where everyone has something to learn . . . and something to teach. We believe that the school and the family must work together to create an atmosphere where learning is valued, where family and community are part of the educational process, and where all involved can develop a love of learning.

Therefore, we ask all families to commit to the following responsibilities in the education of their children:

- ✧ Be aware of and interested in your child's progress
- ✧ Ensure that your child arrives at school on time and ready to learn
- ✧ Provide academic support for your child as outlined on page 2 of this document
- ✧ Attend the following parent/teacher conferences to develop your child's Individualized Learning Plan and discuss his/her progress and goals.

| | |
|---|---|
| ILP1 - Initial Assessment/Introductory Meeting | August 1996 |
| ILP2 - Curriculum Standards/Individual Goals | October 1996 |
| ILP3 - Progress Report/Goal Updates | February 1997 |
| ILP4 - End of Year Summary | May 1997* |

*end of year conference at request of parent or teacher

- ✧ Arrive on time to meetings (or call in advance to reschedule)
- ✧ Contact teachers in a timely manner to express concerns about your child, including any extenuating circumstances which may be affecting him/her.
- ✧ Respond promptly to school communication (permission slips, lunch order forms, surveys, phone calls, etc.)
- ✧ Provide up to date emergency information
- ✧ Attend minimum of two School Council meetings per year
- ✧ Complete at least 8 hours of volunteer service (see page 3 of this document)
- ✧ Provide feedback to the school regarding the quality of our educational program

- - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - - -

I understand the Neighborhood House Charter School philosophy of family involvement and I hereby make a commitment to my child's education by accepting the parental responsibilities listed above.

______________________________________

______________________________________ ____________________

Date

# School Community Support

Part of the family learning contract is a commitment from each NHCS parent to give at least 8 hours of volunteer time to the school sometime during the 1996-1997 school year. Please indicate below ways in which you feel you would be able to be of help to the school.

Primary Needs:

☐ Lunch Parents (assist with lunch and recess 12-1 p.m.)
Which day(s)? M T W Th F

☐ Room parents (coordinate parent volunteer efforts for your child's class)

☐ Classroom volunteers
Which day(s)? M T W Th F
Times Available ____________________

Other School Community Support:

☐ Building furniture: easels, lofts, shelves, tables, etc.
☐ Construction, repairs or renovations
☐ Painting
☐ Organizing child-care for professional days
☐ Doing errands, picking up supplies
☐ Classroom set-up
☐ Cataloging books for classroom libraries
☐ Laminating books, games
☐ Sewing: cushions/pillows, costumes, projects
☐ Teaching special projects: art, music, theater, cooking, gardening, carpentry, computers, health, safety, (or specify other: ____________)
☐ Chaperone for field trips, special events
☐ Phone tree responsibilities
☐ Typing, printing, publishing, graphic design
☐ Language skills: translating, public speaking (which language? ______________)
☐ Fundraising
☐ Special Events, potlucks, etc.
☐ Other areas of assistance: ________________________________
________________________________

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## Recruitment and Admissions

**Q:** *What steps should a public charter school take in order to be in compliance with federal civil rights laws with respect to the recruitment of students?*

**A:** Consistent with Title VI, Title IX, Section 504, and Title II, a public charter school should not recruit in a manner that discriminates against students of a particular race, color, national origin, or sex, or students with disabilities. Public charter schools should make sure that any outreach and recruitment efforts, such as radio advertisements or community meetings, are designed to effectively reach all segments of the parent community, including minority and limited English proficient parents.

Also, charter schools may make special efforts to encourage applications from minority and LEP students. For example, charter schools may: 1) conduct presentations or meetings with parent teacher associations or organizations at schools with a large number of minority students; 2) schedule meetings or consultations with minority community groups; 3) indicate in promotional materials that appropriate services will be provided for LEP students; 4) indicate in such materials that a free or low cost lunch program is available for eligible students; 5) disseminate information about the charter school in newspapers and other publications and on radio stations that serve minority communities; and 6) emphasize in meetings and promotional materials that students from all segments of the community will be welcome at the charter school.

Promotional materials that are used to recruit students must state that the charter school does not discriminate on the basis of race, color, national origin, sex, or disability in its programs and activities.

**Q:** *What steps does a public charter school have to take in its recruitment efforts with respect to parents who are limited English proficient?*

**A:** A public charter school must ensure that parents who are not proficient in English are provided with appropriate and sufficient information about the charter school. This information must be effectively communicated to parents who are not proficient in English. For example, in those communities that have significant numbers of LEP parents, if outreach materials are made available to parents, these materials may have to be available in languages other than English to ensure effective communication. Where the local community includes significant numbers of individuals who have limited English proficiency, if the charter school conducts informational meetings with parents or community groups, in order to ensure effective communication, translation services should be available .

**Q:** *What steps does a public charter school have to take in its recruitment efforts with respect to parents with disabilities?*

**A:** A public charter school must ensure that information about the charter school is communicated as effectively to parents with disabilities as to other parents. Appropriate auxiliary aids and services must be made available whenever they are necessary to ensure effective communication for parents with disabilities. For example, if outreach materials are made available to parents, these materials should be made available on request in such alternative formats as Braille or large print for parents with visual disabilities. If the charter school conducts informational meetings with parents or community groups, qualified interpreters should be provided on request for individuals with hearing disabilities.

**Q:** *What steps should a public charter school take in order to ensure that all students, regardless of race, color, and national origin, are treated in a nondiscriminatory manner in admissions?*

**A:** Public charter schools may not treat an individual differently on the basis of race, color, or national origin in determining whether he or she satisfies any admissions requirement. In order to receive the charter school start-up grants that are available through the Federal Charter Schools Program, public charter schools must admit students on the basis of a lottery if more students apply for admission than can be accommodated.

In public charter schools that do not use a lottery for admissions, eligibility criteria must be nondiscriminatory on their face and must be applied in a nondiscriminatory manner. If these criteria have a disparate impact on the basis of race, color, or national origin, they must be necessary to meet the school's educational objectives and there should be no alternative admissions criteria available that has less disparate impact and meets the school's educational objectives. If admissions criteria are permitted by state law and the school's charter, a public charter school may use admissions criteria that are related to the nature of the school, for example, a requirement that students be at a particular grade level or that students be concentrating in a particular subject area.

Many state charter school laws also have specific provisions that are designed to ensure that charter schools are open to all students. For example, consistent with the Federal Charter Schools Program, a significant number of states specifically require that public charter schools use a lottery system for admissions purposes. A few state charter school laws contain provisions designed to ensure that transportation services are provided to low-income students attending such schools.

Where a public charter school is established in a school district that is remedying past discrimination, the charter school may be required to make a narrowly tailored use of race or national origin in admissions to remedy the effects of that past discrimination.

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**Q:** *Under Section 504 and Title II, what steps should a public charter school take in order to ensure that students with disabilities are treated in a nondiscriminatory manner in admissions?*

**A:** Students with disabilities may not be excluded from admission to a public charter school solely on the basis of their disability. In applying admissions criteria to students with disabilities, individualized determinations must be made as to whether a particular student meets the criteria and those determinations must be made on a nondiscriminatory basis. For example, if students must pass a written examination in order to be admitted to a public charter school, a student who is blind would have to be provided appropriate accommodations in order to take the test.

## Discrimination on the Basis of Sex

**Q:** *Do charter schools have the same Title IX obligations as other public schools?*

**A:** Yes. Consistent with Title IX, public charter schools must ensure that they do not discriminate on the basis of sex in their programs and activities. Also, Title IX protects students from unlawful sexual harassment in all of a school's programs or activities, whether they take place in the facilities of the school, on a school bus, or at a class, training program, or other activity sponsored by the school at another location. In order to receive technical assistance regarding Title IX, please contact the OCR enforcement office that serves your state.

## Provision of Appropriate Services to Students with Limited English Proficiency

**Q:** *May a public charter school exclude from admission students who have limited English language proficiency?*

**A:** A public charter school may not categorically exclude LEP students from participating in a public charter school's program. If there are questions about the legality of the specific requirements of a program being offered by a charter school that may impact LEP students, please feel free to contact the OCR enforcement office that serves your state.

**Q:** *Do the same requirements to provide appropriate services to LEP students that apply when a LEP student attends any other public school also apply when a LEP student attends a public charter school?*

# Session B: External Community Relations

**Key Issues:**

1. Public relations
2. Interest groups
   a. Community groups and businesses
   b. Parents
   c. District/school board/ chartering agency/other politicians
   d. Media
3. Suggestions for dealing with these groups

**Goal:** Participants will become familiar with techniques used to gain public, community, and school board support

**Instructional Resources:**

Educational Research Service. (1997). Community relations: An investment in the future of schools. Information for school leaders.

Center for School Change. Parent/community involvement opportunities: Fifty ideas. Hubert. H. Humphrey Institute of Public Affairs. University of Minnesota.

**Additional Resources:**

Alinsky, S. Dealing with Community Criticism and Rules for Radicals

**Session Structure:**

1. Outline the main stakeholders
2. Provide suggestions for dealing with these stakeholders-developing a public relations strategy
3. After discussion, have participants share ideas such as:
   a. What has your school done?
   b. What could your school do?
4. Participants will share in groups and list ideas to take back home
5. Use asset mapping to lead discussion

# Curriculum Outline for:
## Session B: External Community Relations

A. Public relations: What is it? What does it mean for charter schools?
  1. Developing and sustaining political allies
  2. Providing information to everyone—friends and foes
    a. Direct communication with community and school board
    b. Avoid mis-information
  3. Remember that charter schools are politics and business

B. Identification of stakeholders—they may differ in various communities
  1. Community groups
    a. Businesses
    b. Civic groups
    c. Education groups
    d. Community development organizations
  2. The granting agency (sponsor)
  3. Parents (potential and actual)
  4. General public
  5. The district and/or school board

C. General recommendations for working with the community
  1. Have a defined mission—a clear purpose
    a. Have mission readily available
    b. The mission should be clear and understandable
    c. Show that the mission relates clearly to relevant needs or concerns in the community
  2. Develop a strategic plan to communicate:
    a. Mission (Who/what is this school?)
    b. Goals (Who does the school plan to serve?)
    c. Rationale (Why does the community need this school?)
  3. Be willing and able to spread the word
    a. Talk to everyone all the time—all areas of the community
    b. Talk to friends and enemies
    c. Develop a strategy to disseminate information

D. Specific suggestions/recommendations
COMMUNITY
  1. Build positive and active relationships—build trust
  2. Go out into the community and talk to people
    a. Go door-to-door—use students to talk to community members
    b. Ask to speak or attend civic group meetings
    c. Provide information to community groups—fliers or brochures

3. Take a positive stance in the community
4. Consider and address the objections of the community and incorporate these into the charter
5. Include diverse members of the community on the charter school board
6. Make representatives of the school available to help in local community events
7. Bring enemies into the dialogue

## BUSINESS

1. Talk to members of the business community
2. Get involved in local business organizations
3. Talk to the chamber of the commerce
4. Find out which local businesses actively support schools and education
5. Invite a prominent business person to sit on the school's advisory committee
6. Build relationships with credible institutions in the community

## PARENTS

1. Put parents in key positions that are visible to the media
2. Have strong communication with parents—if media reports something untrue, parents will support the school

## DISTRICTS/SCHOOL BOARD/UNIONS/OTHER POLITICIANS

1. Do the homework on the school board and the district—find out their expectations
2. Talk to school board members—ask their advice; ask what their concerns are
3. If necessary, be willing to work through the bureaucracy
4. Ask school board members how they will vote—don't wait to have a losing vote
5. Hold informal meetings with the district and union management—this will help the transition go more smoothly

## POLITICIANS

1. Meet with state representatives and senators
2. Meet with local officials
3. Find out who are the political contributors to the school board or district
4. Remember it's a political process

## MEDIA

1. Take initiative to invite media to events
2. Make news clippings and information available to the press
3. Display press clippings and send clippings to interested parties
4. Designate a point person in the school to handle media relations

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INFORMATION
for
SCHOOL LEADERS
Prepared for ACSA members by the Educational Research Service

# Community Relations: An Investment in the Future of Schools

As a school leader, you are devoted to providing the best learning environment possible for the children in your care. Yet, you and your staff cannot achieve this goal alone; you need the rest of your community to succeed. Schools depend on community good will and public financing.

With the impact of choice programs and open enrollment, the schools' relationship with the community is more important than ever. Creating a school and school district community relations plan will take time and careful planning, but it is an investment that will pay dividends many times in the future.

This issue of *Information for School Leaders* summarizes the most common advice from the educational literature about defining your community, developing a message, setting goals, choosing appropriate strategies, finding resources, and evaluating the results of your community relations efforts. In addition, you will find personal public relations pointers, tips on dealing with the media, and ideas for handling special interest groups.

## Defining the Community

The goal of building and maintaining good community relations leads to the question, who or what is our community?

You could define your community as the geographic area your school or district serves and the businesses and individuals affected directly or indirectly. Or you could define it as various groups of people with whom you come in contact, or who have reason to care about local education.

A district administrator's answer is different from that of a principal. How you define your community affects the goals you set and the strategies you choose.

The first step in defining your community is to identify key constituents. These could include:

- ***Students***—The young people in your district or school are your primary constituency. Students' performance and behavior determine the opinions of many other influential people.

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- *Parents*—Clearly, establishing and maintaining good relationships with parents is one of your most important responsibilities. Parents are also a relatively easy audience to reach.
- *Politicians*—These community leaders may be elected or appointed, but either way they can influence the public's perception of your district or school.
- *Media*—The media are an integral part of the community. They should not be treated as adversaries, but as potential partners in getting the schools' message across.
- *Senior Citizens*—Seniors are a growing demographic segment of the population, who can wield great influence over public funding. It's the job of the public relations plan to help those senior citizens who do not have children or grandchildren in the schools to understand that good schools are still important to them.
- *Local Businesses*—In addition to providing work experience for students, local businesses can often provide valuable supplies or equipment for school programs.
- *Real Estate Agents*—Newcomers often ask real estate agents about the quality of schools. You need to be sure Realtors have up-to-date, positive information about school activities and student performance. Perhaps you can provide local offices with a brochure about your school or district to pass along to prospective buyers.

Other key constituents may include the law enforcement community, or churches and synagogues. There's practically no limit to the various groups of people that compose a school district community.

## Developing the Message

Citizens, armed with little firsthand knowledge, often rely on the media or word-of-mouth information for perceptions of your school or district. As an educational leader, you can help to fill the information gap between schools and the public.

Instead of receiving incomplete bits and pieces of information, the public needs a regular flow of accurate statistics and positive stories about the success of your students.

As you consider what message you want to share about your district or school, make a list of all the good things that have happened lately. Your "brag" list could include:

- student success (awards, prizes);
- innovative instructional programs;
- school athletic team wins;
- teacher honors (awards, articles in journals);
- student/teacher community efforts, such as Earth Day clean-up;
- special programs and activities at school.

> ***Instead of receiving incomplete bits and pieces of information, the public needs a regular flow of accurate statistics and positive stories about the success of your students.***

## Setting Goals

A community relations program may have a goal for each target audience, a district-wide goal, and/or goals at the individual building level. For example, if a school has a public relations problem with neighbors around school property because students have trampled lawns or littered the streets, it could set a goal of having no complaints for a month. A strategy for reaching this goal might be for students to volunteer to pick up litter on the way to school. Or, the school staff might invite neighbors in for coffee

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and conversation with a student group to creatively brainstorm solutions.

The more specific the goals, the more assured you will be of reaching them. Often, a simple objective works best, like seeing a positive story about the district or school in the local paper once a quarter. Strategies for reaching that goal might be press releases, personal calls to reporters, or a meeting with editors.

A community survey might help identify any weaknesses in your relationships. Then you can develop a goal to strengthen your communications efforts to address the problems.

## Choosing Strategies

It is effective to use as many strategies as possible to make sure that the message gets though to the various target audiences. Here are some possible strategies to consider.

### Newsletters

A newsletter can help get detailed information to the public on a regular basis. It can be mailed to parents or made available in local gathering places, such as the library, government offices, or senior citizen centers.

Tips for creating an effective newsletter include:

- ***Use a distinctive masthead.*** The newsletter should be instantly recognized by readers.
- ***Avoid jargon.*** If you must use technical terms, explain what you mean.
- ***Meet deadlines.*** Whether the newsletter is published on a weekly, monthly, or quarterly basis, stick to the production schedule. Readers should be able to count on the publication's timely arrival.
- ***Consider the budget.*** You don't have to spend a lot of money printing on glossy paper. In fact, readers may see this as a waste of money. Instead, use simple graphics and plain paper and rely on useful and interesting information to keep readers' attention.
- ***Ask for volunteers*** to help design, write, edit, proofread, or provide photos.

### Annual Reports

Many organizations publish annual reports to summarize their performance over the past year. Every school and district should consider publishing one. Annual reports can come in a variety of formats. Consider including information on the following topics:

- ***The school community***—a description of the local area.
- ***The school staff***—how many staff members work for the school or school district, and their qualifications.
- ***Expenditures***—amount of money spent and what it is spent on.
- ***Enrollment***—data on student population.
- ***School site***—a report on new facilities, and/or explanations of how plans for newer facilities or upgraded equipment will benefit students and the community.
- ***Goals***—information about plans for the future, and an invitation to others to help achieve them.
- ***School successes***—the accomplishments of students or staff over the past year.

### Speakers' Bureau

Local clubs frequently need a speaker, often at the last minute. You could easily set up a school district or school speakers' bureau by knowing the special interests and background of your staff. For example, an art teacher might have a special interest in how art can be used to help senior citizens with physical coordination. If so, she would be the perfect speaker to a college class on gerontology.

Given the diverse interests and knowledge of your staff, you can have a well-rounded bureau at your fingertips with just a little bit of cataloging. Of course, you will want to remind your speakers to put in a good word about your school or district, too.

### Telephone Answering System

Although you probably prefer to have your phones answered personally by a member of

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your staff, a telephone answering system can be very useful for calls after hours or on severe weather emergency days. The costs are reasonable, and you can program your recorder to provide up-to-date information about school activities and events.

### Public Service Announcements

If your area has a local cable franchise, you may already provide information for broadcasters to use or operate your own school channel yourself. If not, local television and radio stations will broadcast information about your schools to the community if you provide it in the right format. You can share information about upcoming school programs and activities or ask for volunteers for school functions.

*There is perhaps no better way to improve the community's perceptions of the public schools than to get community members involved with students and teachers.*

### Website

The World Wide Web offers many two-way communication opportunities, including a home page and e-mail. You can survey your community or ask for parent feedback. However, everyone does not have access to a computer and the Internet. Therefore, you should be sure that whatever information you share in your Web site is also communicated in other ways. In addition, you may want to consider how you will keep your Web page up to date and accurate. Unless you find a volunteer, you may end up burdening overworked staff and create a problem instead of solving one.

### Open Houses

There's no better way to introduce the schools to the public than through an open house. You can have on old-fashioned ice cream social, or host a simple coffee-and-cookies reception.

### Letters to the Editor/Editorials

If an article in your local paper depicts schools in a poor light, consider it your duty to write a letter to the editor explaining the facts and clearing up any confusion.

### Videos

If your students have access to a video recorder, ask them to make a short film about your school or district. This can be shown at parent meetings, board meetings, and community outings, or on the local cable channel.

### Mutual School-Community Involvement

There is perhaps no better way to improve the community's perceptions of the public schools than to get community members involved with students and teachers. Here are a few ways to increase such involvement.

- **Community or Citizen Councils.** These are ongoing teams of citizens that work with school leaders to provide input and expertise for better decision making. Such councils generate support for schools and also make schools more accountable to the community. A caution, however, about organizing a council—be sure to establish clear ground rules about the council's role, and be prepared to consider its suggestions seriously.
- **Community Service Programs**. You probably already know the needs of your community. But if you don't, consider surveying senior citizens, businesses, and/or parents to find out what you can do to benefit the community. For example, students could volunteer to clean up a local park. The possibilities are limitless. Community service programs can go a long way toward showing your neighbors that school leaders care.
- **Extended Learning Centers.** Consider offering classes to students and adults in the community. Some popular topics would include keyboarding skills, CPR, and job search skills such as resume writing.

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- **Volunteer Opportunities.** Schools need volunteers for many school activities, from judging school competitions to ushering at school functions. Ask local residents to help, and you may be surprised at the number who say yes.

## Low-Cost Ideas

Community relations doesn't necessarily require extensive funding to have positive results. Word of mouth is often the best form of advertising and communicates just as well as printed brochures and newsletters. Here are some simple, successful ways to communicate good news about your school or district.

- Include a coupon in the school newsletter for free admission to a school athletic event.
- Give students three coupons to hand out to anyone in the community inviting them to a "See for Yourself" day at school.
- Print postcards asking community residents for their opinions, questions, or suggestions about the schools, and put the cards in high-traffic areas in the community.
- Start a list of the community groups that school staff and active parents belong to; note the name of a contact person, send each a summary of the school's upcoming events, and ask them to publicize these events.
- Send short items of interest about the school to civic organizations and churches for use in religious bulletins or newsletters.

## Evaluating Results

Once you have completed a school year's worth of community relations efforts, sit down with your staff and evaluate your results. Be critical of your efforts. Could your newsletter have been more interesting? Did you miss a speaking opportunity because you didn't have a speech ready to go at a moment's notice? What about your media relations? How many good news articles about your schools did you initiate?

## Personal PR Pointers

As a school leader, you are frequently in front o the public. These personal public relations pointers can help you make the most of this exposure and, as a result, benefit your community relations efforts. For example:

- Be visible at school and community events.
- Learn the names of as many community members as possible and use them.
- Prepare a 30-second speech about yourself — who you are, what you believe in, your goals for the district or school—and use it whenever an opportunity presents itself wit members of the public.
- When you come across a newspaper article or announcement about someone in the community, send him or her a congratulatory note.
- Remember, you are always in the public ey

## Dealing with the Media

Even seasoned school leaders find dealing wit the media difficult at times. Here are some tip to help you as you work with the media to improve community relations.

- *Delegate.* Consider appointing a central spokesperson (both at the district and scho levels) to handle media requests. A central-ized approach lets you train just a few peo rather than every teacher and central offic administrator. Plus, the results are easier t evaluate if one person keeps track of media contacts.
- ***Take the initiative.*** You don't have to wait for the media to call you. If you get to kno reporters who cover education and alert them to possible stories in your district or school, you'll make their job easier and might make allies rather than enemies.
- *Explain terms and jargon.* Avoiding "educationalese" is the best idea, but if yo must use an unusual term, explain what y mean and give examples.

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- ***Try to avoid "no comment."*** If you truthfully can't answer a questions, explain why. Perhaps you are protecting a student's privacy. Or maybe a legal case is pending.
- ***Speak in "sound bites."*** Keep your message brief and simple. A key phrase repeated frequently goes further in getting the message across than a lengthy statement that is never read.
- ***Assume you will be quoted.*** While many reporters will talk with you "off the record" or ask for "background only," you must still guard against leaking confidential or sensitive information. The eventual story may not quote you directly, but if the reporter gets confirmation from another source, the information may be made public despite your understanding.
- ***Keep a record of media contacts.*** You might be able to improve your effectiveness by reviewing your coverage; at the very least, you will know whether a reporter got the facts right. If a reporter asks to tape an interview, you might consider taping it also, especially if you've had problems with inaccurate quotes from that reporter in the past. While you don't want to antagonize a reporter unnecessarily, your professional reputation is at stake, so caution is warranted
- ***Avoid humor.*** You may be fun-loving and enjoy joking on your own time, but avoid trying to be funny with the press. By the time your remark gets to print or on the broadcast news, the context maybe lost and your attempted humor may seem inappropriate.
- ***Understand that you won't have the last word.*** You may try to punish a reporter for an unfair story by withholding information or lose your temper with an editor on the phone, but remember, the media have the power to shape public opinion. It's often better to ignore an unfair story than to call more attention to it.
- ***Remember media deadlines.*** Calling a reporter from a morning newspaper at 10 or 11 o'clock at night doesn't help for the next day's story. It's probably already written and on the press. Try to return calls immediately.
- ***Be honest.*** In the news business, mistakes may be forgiven but dishonesty is remembered. If you are truthful with the media, you usually will be treated with respect even when circumstances are uncomfortable. Honesty builds credibility, and in the news business, credibility counts.

## Handling Special Interest Groups

Special interest groups sometimes pose difficult and uncomfortable challenges. When approached by an organized group with specific criticisms or requests, you may feel defensive and be tempted to ignore them. But don't. You can benefit from their differing point of view, and your community relations may benefit as a result of your trying to see things from their perspective. Here are some ways to handle such special interest groups.

- ***Listen.*** If a group feels strongly enough to organize around an issue, they probably have researched the problem and may have a solution to suggest.
- ***Appreciate the value of conflict.*** Differences of opinion are natural, and they often result in growth and change for both sides.
- ***Know yourself.*** Identify your own point of view so that you can know how far you are willing to compromise.
- ***Prepare.*** Research the group's past behaviors and statements for clues about how to interact with them.
- ***Take action.*** You may be better off compromising or negotiating, but be prepared to take a stand against the group if you truly disagree with their request.
- ***Evaluate.*** Once an encounter with a special interest group is over, evaluate your actions and learn from your mistakes.

## A Final Word

*This issue of **Information for School Leaders** has provided an outline to help plan your community relations efforts, along with suggestions for specific strategies to meet your goals.*

*Strong community relations are just as critical to your success as a sound budget and a sturdy building. If you invest in building positive relationships with your community now, you will certainly reap dividends many times in the future.*

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# For More Information on Community Relations

The following ERS resources are available to provide more in-depth information about community relations. ACSA members can order these resources at a special 25% discount.

- ***ERS Information Folio:* School Councils Across the Nation, Why and How.** School councils are currently in operation or being considered at many sites across the country. How can these councils be used most effectively to encourage parent and community involvement? This *Folio* is a compilation of 37 articles, book excerpts, and other materials that together provide a comprehensive overview of the major issues surrounding school councils. 1997. Stock No. FCS-0227. Base price: $72.00. ACSA Member price: $54.00. ERS Comprehensive Subscriber price: $34.00.
- ***ERS Info-Files* on related topics.** The following are just a few of the *ERS Info-Files* on topics related to community relations. Each *Info-File* contains 70-100 pages of articles from professional journals, summaries of research studies, and related literature concerning the topic, plus an annotated bibliography that includes an ERIC-CIJE search. Base price per *Info-File:* $32.00. ACSA Member price: $24.00. ERS Comprehensive Subscriber price: $16.00.
    - **Marketing Your School**—Covers issues related to school public relations, including marketing techniques and strategies for communicating with the community at large. #FCS-297.
    - **What's Right with Education?**—Examines current myths about the poor condition of American public education and gives examples of successful educational practices. #FCS-309.
    - **School Bond Issues**—Notes the importance of public opinion to school finance elections and offers suggestions for successful bond referendum campaigns, including ways to gain voter support and examples of school districts' experiences. #FCS-298.

To order ERS materials , contact Educational Research Service, 2000 Clarendon Boulevard, Arlington, VA 22201. Phone: (800) 791-9308. Fax: (800) 791-9309.

***Permission to make copies:***

ACSA members are granted permission to make additional copies of this issue of *Information for School Leaders* without charge for distribution to staff members in their school or school district.

Educational Research Service (ERS) is the independent, nonprofit research foundation providing objective, accurate, and up-to-date research and information for local school and school district decisions. ERS, established in 1973, is sponsored by seven national associations of school administrators: AASA, AASPA, ASBO, CCSSO, NAESP, NASSP, and NSPRA. For information about the Educational Research Service and its services and resources, contact ERS Member Services, 2000 Clarendon Boulevard, Arlington, VA 22201. Phone: (703) 243-2100. Fax: (703) 243-3922.

The Association of California School Administrators (ACSA) is the 14,000-member professional organization representing the superintendents, principals, administrators, and classified educational leaders in California's public schools. For information regarding the association, contact ACSA's Media Relations Department, 1517 L Street, Sacramento, CA 95814. Phone: (916) 444-3216. Fax: (916) 444-3245.

The Association of California School Administrators and the Educational Research Service are working together to enhance the use of practical research and information in California's public schools. This cooperative effort gives ACSA members access to many ERS resources and services, including resources prepared specifically for California school leaders. ACSA is committed to improving its services to members and strongly believes that including the objective research and information from ERS will help educators make the best possible decisions for the students in school districts throughout California.

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CENTER
FOR SCHOOL CHANGE

# Parent/Community Involvement Opportunities

## Fifty Ideas

### Assist at the School

1. Share information with a student or class about a hobby.
2. Share information with a student or class about a career.
3. Share information with students about a country in which you have lived or visited.
4. Tutor one or a small group of students in reading, math or other areas.
5. Help coach an athletic team.
6. Help check a student's written work.
7. Help publish a school or classroom newsletter. (This can also be done at home.)
8. Help sew or paint a display.
9. Help build something (such as a loft in a classroom).
10. Help students work on a final exhibition or project. (This can also be done at home or at a work place.)
11. Help answer the school phone.
12. Help plan and/or build a new playground for the school.
13. Help plan a theme-based presentation for students.
14. Help present a theme-based program for students.
15. Demonstrate cooking from a particular country or culture to students.
16. Share a skill with the faculty.
17. Help students plan and build an outdoor garden or other project which beautifies the school.
18. Help coach students for academic competitions such as Odyssey of the Mind or Math Masters.
19. Bring senior citizens to school to watch a student production.

### Extend Learning by Helping to Arrange Experiences in the Community

1. Help set up a student internship at your business, organization or agency.
2. Host a one day *shadow study* about your business or organization for one or a small group of students.
3. Go on a local field trip with a teacher and a group of students.
4. Go on an extended (3–5 day) cross country field trip with a teacher and students.
5. Contact a local business or organization regarding possible cooperation.
6. Help create a natural area/learning space outside the building.

Center for School Change - Hubert H. Humphrey Institute of Public Affairs
UNIVERSITY OF MINNESOTA

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## Serve on an Advisory or Decision-Making Committee

1. Volunteer for the schoolwide site council.
2. Serve on a school committee which reports to the site council.
3. Represent the school on a district committee.
4. Serve as an officer on the school's PTA.
5. Help organize a parent organization for the school.
6. Help design a parent and/or student survey for the school.
7. Help conduct and/or tabulate the results or a parent survey regarding the school.

## Increase Financial Resources Available to the School

1. Help write a proposal which will bring new resources to the school.
2. Donate materials to the school.
3. Arrange for a business or other organization to donate materials to the school.
4. Help with a fund-raising campaign for the school.

## Share Information

1. Serve as a member of a *telephone tree* to help distribute information quickly.
2. Write a letter to legislators about the school.
3. Write a letter to school board members about the school.
4. Go to a school board meeting to advocate for the school.
5. Go to another school to provide information about your school.
6. Help create a brochure or booklet about the school.
7. Help translate information about the school into a language other than English.
8. Help translate at a parent/teacher conference for people who don't speak English well.
9. Provide transportation to a parent/teacher conference for a parent who needs a ride.
10. Write an article about school activities for publication.
11. Arrange for a political leader (mayor, council member, state representative, etc.) to visit the school.

## Help other parents develop parenting skills

1. Teach or help with a class on ways to be stronger parents.
2. Help produce a video tape on ways to be effective parents.
3. Help write, publish and distribute a list of parenting tips.

The Center for School Change
Hubert H. Humphrey Institute of Public Affairs
University of Minnesota
301 19 Ave. South
Minneapolis, MN 55455

## Topics for an Opening Conference
## Involving Teacher, Parent/Guardian and Student

The following six questions should be discussed in a conference held, if at all possible, before school starts in the fall. Typically this conference should last 15-20 minutes.

1. What are the student's interests, skills, favorite activities?

2. What interesting, fun, exciting things did the student and family do over the summer?

3. What are the student's and parent's priorities for the coming academic year?

4. How will the school assess and report student progress to the student and parent?

5. What are one or two things (see list of 50) which the parent is willing to do to help out the school?

6. What questions does the parent or student have of the teacher?

## Families whose children are doing well in school:

1. Establish a daily family routine: Provide time and a quiet place to study, assign chores, be firm about times to get up and go to bed, have dinner together.

2. Monitor out of school activities: Set limits on TV, check in when parents are not at home, arrange after school activities and supervised care.

3. Model the value of learning, self-discipline and hard work: Conversation and action showing that achievement comes from working hard. Read, write, use math and share your actions.

4. Express high but realistic expectations for achievement: Set goals and standards appropriate for the child's age and maturity; recognize and encourage special talents, inform friends and family about successes.

5. Encourage children's development and progress in school: Maintain a warm, supportive home, show interest in child's progress, help with homework, stay in touch with teachers.

6. Read, write and discuss among family members: Read, listen to children read, discuss what is being read, tell stories, share problems, write letters, lists and messages.

7. Use community resources for family needs Enroll in various programs and lessons, introduce youngsters to various role models and mentors, use community resources.

Source for "Families Whose Children are Doing Well in School": Ann Henderson and Nancy Berla, ed., The Family is Critical to Student Achievement, Washington: Center for Law and Education, 1875 Connecticut Av. N.W., Washington, D.C. 20009, $17.50

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# August parent conferences can get school year off to good start

**JOE NATHAN**
COLUMNIST

Imagine earning a 98 percent approval rating from parents for trying something new.

That's what Mankato school board member Kathy Brynaert reports happened at a school when teachers held conferences in August — before school started — with each parent and student. A growing number of schools agree that it makes a great deal of sense.

All nine Mankato elementary schools and two middle level schools use these before-school conferences.

Every family was asked to come in late August for a 15-minute meeting. The vast majority of parents participated.

Brynaert says parents told her the conferences "really reduced anxiety for youngsters," and "helped parents develop a good working relationship with teachers from the beginning of the year."

(For information, contact Dave Dakken, Mankato Public Schools, 209 S. Second St., Suite 305, Mankato, Minn 55602.)

Patteson Elementary School in Superior, Wis., also held individual conferences in late August for its kindergarten through sixth-grade students. Eighty-five percent of the families participated. Dan Woods, a parent and district coordinator of parent involvement, called the conferences "very successful."

Churchill Elementary in Cloquet also held conferences in August. June Kallestad, a parent and teacher's aide at Churchill, told me that the meeting helped her first-grade daughter Jenna "get a much smoother, more comfortable start."

Each student in kindergarten through third-grade had an individual conference, as did all new students. Students in grades four through six were invited to attend small group meetings with their teachers. Families of fourth-graders through sixth-graders also had the option of an individual conference.

Gail Gilliland, Churchill's principal, reports that because of the meetings, youngsters showed "much more confidence" as school

NATHAN CONTINUED ON 2D ▶

**DETAILS**
For information on before school conferences, contact Dave Dakken, Mankato Public Schools, 209 S. Second St., Suite 305, Mankato, Minn. 55602.

## NATHAN/Teacher meets with parents

▼ CONTINUED FROM 1D

started. "There were none of the tears or jitters we usually have."

Jean Adams, a veteran teacher at St. Paul's Expo Elementary School, is "all for" meeting individually with students and parents before school starts.

Adams has done this for many years. She learns about youngsters and their families, determines each family's academic and social priorities for their children and sets goals with students and parents.

Adams calls the conferences a powerful tool to help youngsters see the teacher and parent as partners.

Wayne Jennings, a creative and visionary educator, introduced this idea to me more than 20 years ago, when he was principal at the St. Paul Open School.

Each teacher at this K-12 school, meets individually, late in August with 25 to 30 students and their parents.

I found it a great way to learn about each youngster and start out positively with every family.

Together we set individual goals. We also gave parents many options for helping the school. Virtually every parent was involved in some way.

Many schools soon will set their fall schedule. Parents might suggest this approach.

Having participated in before-school conferences as a teacher and now as a parent at EXPO, I think it's a terrific way to develop a strong family/school partnership.

As Jean Adams pointed out, "Spending time before school starts with each youngster and parent is really an investment. It helps youngsters feel better, and makes my job easier throughout the year."

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Joe Nathan is director of the Center for School Change at the University of Minnesota's Humphrey Institute of Public Affairs.

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Making a Difference? Charter Schools, Evaluation and Student Performance, by Stella Cheung, May Ellen Murphy and Joe Nathan

## EXECUTIVE SUMMARY

This report attempts to help answer three critical questions people are asking about charter schools: 1) How are charter schools assessing student achievement? 2) What are charter schools doing to meet accountability requirements? 3) Are charter schools improving student achievement? This report is not definitive. However, it is possible to begin answering important questions about student achievement. The answers in this report come from 31 charter schools in eight states (Arizona, California, Colorado, Georgia, Massachusetts, Michigan, Minnesota, and Texas). This study found that

- Contracts have been renewed for several charters because of evidence that the schools improved student achievement. These charters are in California, Colorado, and Minnesota.
- Charters use a variety of measures to assess student achievement. The most frequently cited combinations are standardized tests, student portfolios, and teacher evaluations.
- In addition to student achievement, accountability plans include areas such as student behavior and attitudes, staff development, parental involvement and satisfaction, school climate, fiscal management, and program activities.
- The charter school and its sponsor share responsibility for a reliable, valid assessment. In most of the charters, but not all, this responsibility had been carried out well.
- Charters are showing that they can improve student achievement. This report cites 20 charter schools which have improved achievement including:

Fenton Avenue Charter School in Lake View Terrace, California enrolls 1295 students, 97.5 percent are students of color, and over 95 percent qualify for free and reduced lunch. One of its initial goals was to raise reading, math, and language scores by at least five percentile points. This goal has been accomplished in many grades and subjects.

New Visions School in Minneapolis, Minnesota serves 180 inner city students, many who had individual education plans and behavioral problems in previous schools. Over the last five years, students have gained more than one year of academic growth per year on average as measured by two different norm-referenced tests.

Sabis International Charter School was one of the lowest performing schools in Springfield, Massachusetts. Sixty-two percent of the students scored below grade levels when the school opened in 1995. At the close of the second year, 62 percent of the students tested at or above grade level.

West Houston Charter School serves 120 students, 41 percent of the students are classified as "at risk", and 37 percent are identified as Special Education. Results from the Wide Range Achievement Test – Third Edition administered in the beginning and at the end of the 1996-97 school year show that 89 percent of the students gained at least one year of academic growth.

Is it possible for charters to improve achievement of students from low income or limited English speaking families? The results from these schools suggest that the answer is "yes."

for a copy, send $12.00 to Center for School Change, Humphrey Institute, University of Minnesota, 301 19th Av. S. Mpls, Minn. 55455

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## Survival Hints

1. Have a list of clear, widely understood goals. At least some of them should be measurable.

2. Develop priorities for the school every 3-6 months. Recognize that everything worthwhile can't be done immediately.

3. Agree to "fight fair." Spend time on this before school starts.

4. Work with an outside evaluator (Private specialist or university based person) - Produce an annual report. Describe how your program changes based on what you learn.

5. Recognize that people will talk about your program. The only issue is how much accurate information they will have.

6. Remember that you will make mistakes. People do. Admit them, fix the problem, don't spend a lot of time fixing blame.

7. Look for ways for the students to help accomplish the work of the school - making presentations, gathering information, identifying community allies, writing reports, etc. These are great ways for students to learn.

8. Governance is a means to an end - the end being increased student achievement and graduation rates. Don't exhaust yourselves with endless meetings.

9. "Get a life" - don't practice "martyr of the month"

10. Historical perspective is helpful. You are a part of a long history of folks trying to expand justice and opportunity. (See below for resources).

11. Celebrate accomplishments - There always is more to do - give yourselves credit for what has been done.

Reactions welcome. Joe Nathan, c/o Humphrey Institute, University of Minnesota, 301 19th Av. S, Minneapolis, Mn. 55455. 612 625-3506 Natha001@hhh.umn.edu

Suggested resources:

Kay Mills, *This Little Light of Mine: The Story of Fannie Lou Hamer*
Myles Horton, Judy and Herb Kohl *The Long Haul*
Saul Alinsky: *Rules for Radicals*

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## Families whose children are doing well in school:

1. Establish a daily family routine: Provide time and quiet place to study, assign chores, be firm about times to get up and go to bed, have dinner together.

2. Monitor out of school activities: Set limits in TV, check up when parents are not at home, arrange after school activities and supervised care.

3. Model the value of learning, self-discipline and hard work: Conversation and action showing that achievement comes from working hard. Read, write, use math and share your actions.

4. Express high but realistic expectations for achievement: Set goals and standards appropriate for child's age and maturity; recognize and encourage special talents, inform friends and family about successes.

5. Encourage children's development and progress in school: Maintain warm, supportive home, show interest in child's progress, help with homework, stay in touch with teachers.

6. Read, write and discuss among family members: Read, listen to children read, discuss what is being read, tell stories, share problems, write letters, lists and messages.

7. Use community resources for family needs Enroll or various programs and lessons, introduce youngsters to various role models and mentors, use community resources.

## Schools which engage families

1. **Use comprehensive approaches:** Reach out to all familes, not just those easily contacted, provide a variety of opportunities for involvement.

2. **Have well planned programs:** Specific goals, clear communication about what is expected, training for educators and parents.

3. **Long-lasting efforts:** Clear commitment to the long term, not just one shot, or short-term projects.

Source: Ann Henderson and Nancy Berla, ed., The Family is Critical to Student Achievement, Washington: Center for Law and Education, 1875 Connecticut Av. N.W., Washington, D.C. 20009, $17.50

# POSSIBLE RESOURCES:
## Parent/Educator/Senior Citizen Partnerships

American Association of Retired Persons/Elvirita Lewis Foundation, Growing Together: An Intergenerational Sourcebook, from AARP, 1909 K Street, Washington, D.C., 20049

Association of Supervision and Curriculum Development, Educational Leadership (Special Issue, October, 1989), from ASCD, 1250 N. Pitt, Alexandria, Virginia 22314

Center for Law and Education, 1875 Connecticut Ave. N.W, Suite 510, Washington, D.C. 20009 Beyond the Bake Sale: An Educator's Guide to Working with Parents, A Workbook on Parent Involvement for District Leaders, Annual Education Checkup, etc. etc.

Curran, Delores, Traits of a Healthy Family, San Francisco: Harper/Collins *

Epstein, Joyce, various materials from Teachers Involve Parents in School Work, from Center on Families, Communities, Schools and Children's Learning, Johns Hopkins University, 3505 N. Charles, Baltimore, Maryland 21218

Faber, Adele and Mazlish, Elaine, How to Talk so Kids will Listen and Listen so Kids will Talk, New York: Avon Books

Henderson, Anne, The Evidence Continues to Grow: Parent Involvement Improves Student Achievement, Center for Law and Education (see above)

Henderson, Anne and Berla, Ann, A New Generation of Evidence, Center for Law and Education, 1875 Connecticut Avenue N.W., Suite 510, Washington DC 20009 $17.50 - The single best current source of information about research on this subject. Invaluable.

Home and School Institute, 1201 16th St, N.W., Washington, D.C. 20036 (202) 466-3633

Illinois Intergenerational Initiative, Anthony Hall 110, Southern Illinois University at Carbondale, Carbondale, Illinois 62901 (Excellent free newsletter)

Jones, Claudia, Parents are Teachers Too, Charlotte, Vermont: Williamson Publishing, 1988

Jones, Claudia, More Parents are Teachers Too - see above publisher, 1990

Miller, Mary Susan, The School Book, New York: St. Martin's Press, 1991.

Rich, Dorothy, Megaskills, Boston: Houghton Mifflin, 1988

Rioux, Bill and Berla, Nancy, Innovations in Parent and Family Involvement, Princeton Junction, New Jersey: Eye on Education, 1993

Swap, Susan McAllister, Developing Home-School Partnerships, NY: Teachers College Press

U.S. Department of Education, Strong Families, Strong Schools, September, 1994: for a free copy of "Helping Your Child" series, 10 free booklets on subjects like math, science, geography, write to U.S. Department of Education, 555 New Jersey Av. N.W., Washington, D.C. 20202

* Communicates & listens, fosters table time and conversation, affirms and supports one another, teaches respect for others, develops a sense of trust, has a sense of play and humor, has a balance of interaction among members, shares leisure time, exhibits a sense of shared responsibility, teaches a sense of right and wrong, has a strong sense of family in which rituls and traditions abound, has a shared religious core, respects the privacy of one another, values service to others, admits to and seeks help with problems. (From Delores Curran)

If you find other especially useful resources, please let the CSC know. Thanks!

Joe Nathan, Center for School Change, Humphrey Institute, 301 19th Av. S. University of Minnesota, Minneapolis, Mn. 55455 (612) 626-1834

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# Session C: Dealing with Controversy

**Key Issues:**

1. Working with unions
2. Working with school boards/districts, superintendents
3. Working with community opposition

**Goal:** Participants will learn and be able to use strategies to deal with controversy

**Session Structure:**

1. Strategies for dealing with unions, school boards, and community opposition
2. Use case study

# Curriculum Outline for:
## Session C: Dealing with Controversy

I. **Working with Unions**
   A. Provide information about relationships with teachers relative to collective bargaining
   B. Provide information about the purpose of the school
   C. Provide information regarding the school as a public entity

II. **Working with School Boards and Superintendents**
   A. Provide information to board members
   B. Ask board members how they will vote
   C. Don't surprise the school board—try to have a working relationship with the school board. Remember, the school board controls the money
   D. Invite the board members to your school or to a meeting
   E. Build relationships and trust

III. **Dealing with Community Opposition**
   A. Prepare answers to all types of questions ahead of time
   B. Relate the school and your mission to community concerns or needs
   C. Respond to all questions and press inquiries
      1. Have curriculum available
      2. Develop an informational brochure that is available to the public
   D. Provide information in easy to read and accessible format
      1. Web sites—create a web site and promote it
      2. Communicate often
      3. Speak at community events
   E. Talk with the media—try to shape your image; establish relationships with reporters

IV. **Other General Suggestions for all Areas**
   A. Be aware at all times of the political environment
   B. Be aware of political interests
   C. Be aware of key political players
   D. Be aware of how players interrelate
   E. If appropriate, invite opponents into the conversation
   F. Invite the opponents to the school
   G. Play hardball with your opponents when appropriate

# Accountability—Opening Session

**Key Issues:**

1. Academic accountability
2. Fiscal accountability
3. Public accountability

**Goal:** Participants will learn about:

1. the general concept of accountability
2. different types of accountability
3. how to incorporate accountability mechanisms into school policy

**Instructional Resources:**

Nathan, J. Assessment and Accountability Handout

Jefferson Academy Charter School. (1996). Jefferson Academy Contract for Excellence Progress Report. Jefferson County, Colorado.

Charter Friends National Network. (1998). An annotated resource guide for shaping an accountability plan for your charter school.

Massachusetts Department of Education. Plan for Pupil Performance Evaluation, Types of Assessments, Timeline, and Procedures for Corrective Action. In Massachusetts Charter School Initiative Evaluation and Policy.

Colorado Department of Education. (1997). Section (f): Plan for pupil performance evaluation, types of assessments, timeline, and procedures for corrective action. In Guidebook to Colorado Charter Schools.

**Additional Resources:**

Blum, R. E. and Arter, J. A. (Eds). (1996). Handbook for Student Performance Assessment in an Era of Restructuring. Association for Supervision and Curriculum Development. Alexandria, VA

Comic: It is assessment which helps us distinguish between teaching and learning

Gardner, L. (1998). Aligning Standards, Curriculum and Assessment. Charter Schools Development Center at the CSU Institute for Education Reform.

Hickman Charter School. (1997). Annual Evaluation Report 1996-1997.

Jefferson Academy Charter School. Income, Expense and Budget Statement (1994-95). Jefferson County, Colorado.

Jefferson Academy Charter School. (1996). Contract for Excellence Progress Report. Jefferson County, Colorado.

Jefferson Academy Charter School. (1996). Renewal Application. Jefferson County, Colorado.

Mathews, D. Is there a public for public schools?

Northwest Regional Educational Laboratory. Bibliography of Assessment Alternatives: Science (1995), Grading (1996), Social Studies (1997), Portfolios (1996), Reading (1996), Factors that Influence Achievement (1996), Mathematics (1998). In Assessment Resources Library.

# General Session: Academic Accountability

**Key Issues:**

1. Academic accountability—what does it mean?
2. Aligning assessment with vision
3. Aligning assessment with standards and curriculum
4. Aligning assessment with assessment tools and evaluation

**Goal:** Participants will be able to develop an accountability plan that incorporates and aligns their mission, curriculum standards, curriculum, and assessment tools

**Session Structure:**

1. Begin with a 30 minute opening session outlining the need to align curriculum, standards, and assessment as part of the accountability plan.
2. Discuss each component (curriculum, standards, and assessment) briefly.
3. Participants then break into three small groups and discuss current or future plans to develop a comprehensive academic accountability plan.

# Curriculum Outline for:
## General Session: Academic Accountability

I. **General Overview of Academic Accountability (What does it mean?)**
  - A. The basic question: Is the academic program a success?
  - B. How does student assessment fit into the big picture?
    1. Revisit the mission and vision—What are the objectives for the school?
      - a. The mission is the basis for the plan to assess student performance
      - b. State the mission clearly—state school's objectives and goals, to whom the school is accountable and what standards will be used
      - c. Relate the assessment back to the reality check—the political and community values
    2. Assessment must match the school's goals and standards specified in the charter as well as other state standards
      - a. What does the school want students to learn?
      - b. What should students be able to do when they leave?
      - c. Refine the school's standards and performance goals to match the vision
    3. Develop curriculum that matches the school's standards and vision
      - a. What is the most appropriate way to teach to these standards?
    4. Align the assessment tools with the mission, the performance standards, the curriculum, and the overall school improvement plan
      - a. Develop progress indicators, or benchmarks
      - b. Select assessment tools to measure indicators
      - c. Assessment will contribute to overall school improvement
      - d. Assessment will contribute to evaluation and renewal
      - e. Are the students actually learning what the school said they would?
    5. Incorporate assessments of the school into evaluation
      - a. Present results on a yearly basis
      - b. Incorporate yearly results into five year plan and renewal process

II. **The Plan—Developing Standards, Benchmarks, and Curriculum**
  - A. Begin with the mission—clear and understandable. Where does the school want to go?

  - B. Goals and standards—What is the focus of student assessment? What does the school want to achieve?
    1. Reading, writing, and math focus; broad-based curricular focus; multicultural focus; or other specialized curriculum
    2. Develop benchmarks and goals for your students (i.e., "Grade 4 students will do XYZ")
    3. If applicable, use state benchmarks

C. Curriculum development—What is going to be taught and how will it be taught?
   1. Curriculum development usually occurs at the same time standards are being developed
   2. Regardless of the type of curriculum, make sure that it is aligned with both the vision of the school and the assessment tools

D. What is the purpose of the assessment? This will affect the types of assessment tools used.
   1. Charter renewal
      a. Use summative evaluations
      b. Make sure the granting agency agrees to the evaluation plan
   2. Decisionmaking—Disaggregate data for decisionmaking
      a. Use for internal staff and school development
      b. More objective/scientific
      c. Requires the uses of different assessment tools
      d. Sometimes legislatively necessary
   3. To communicate the status of the school
      a. Find out what the district, community, or chartering body wants to see
      b. Make sure the data is simple, parsimonious, and easy to read and understand
   4. To fulfill charter obligations
      a. Stick to what was agreed upon in the charter
      b. Report on time
      c. Make sure the assessment/evaluation is replicable, if it needs to be repeated

## III. Choosing and Developing the Assessment Tools

A. Make sure your school has:
   1. Considered the mission
   2. Developed standards
   3. Developed a curriculum that is aligned with mission and standards
   4. Knows the purpose of the assessment

B. Decide what types of assessments are needed
   1. Types of data
      a. Classroom level data
      b. Program level data
   2. Types of tests (refer to Massachusetts handbook pp. 28-30)
      a. Norm-referenced achievement tests
      b. Aptitude tests
      c. Standards-based tests
      d. Competency tests
      e. Portfolios
      f. Performance assessment tests
      g. Self-designed tests
   3. Use multiple assessments
   4. Collect baseline data in the first semester

IV. **Collecting and Reporting Student and Program Data**

A. Aggregate the data

1. Collect data in the most efficient and useful way
2. Try to organize data collection by individual student

B. Dissaggregate the data

1. Disaggregate by race, gender, ethnicity, and poverty
2. Disaggregate down to the student level if possible
3. Be careful of spurious conclusions—conclusions that may lead to overgeneralizations about race, gender, poverty, or ethnicity
4. Try to find and use comparable grades, schools or districts if comparisons and generalizations must be made

V. **Final considerations**

A. Four questions to consider:

1. Are the objectives to be measured the truly important ones?
2. Is the assessment technique the most efficient means of determining the achievement of the desired objectives?
3. What is the effect of the assessment technique on its user?
4. What is the effect of accountability practices on the student?

B. Other considerations:

1. Make sure baseline data is obtained
2. Find out expectations of the sponsor
3. Find out state standards—reform initiatives
4. Use the assessment as a self evaluation—focus on staff and student improvement
5. Collaborate, if possible, with chartering body on assessment standards, tests, and acceptable achievement rates
6. Build accountability into the school structure

# General Session: Fiscal Accountability

**Key Issues:**

1. To whom is the school accountable?
2. Status of the school's organization
3. Development of a 3-5 year plan
4. Fiscal feasibility—what happens if the school loses students?

**Goal:** Participants will gain an overview of fiscal accountability

**Session Structure:**

1. Begin with a 15 minute opening session outlining the need to address fiscal and organizational stability as part of the school's accountability plan.
2. Briefly discuss the various components of fiscal and organizational stability.
3. Participants then break into three small groups and discuss current or future plans to incorporate fiscal accountability into their overall accountability plan.

# Curriculum Outline for:
# Fiscal Accountability

I. **Overview:** (Basic Question: Is the school a viable organization?)
   A. What does it mean to have a stable organization?
      1. The school budget and enrollment is relatively stable—the school is solvent over a 3-5 year period—Development of 3-5 year budget, financial plan, enrollment plan
      2. The school organization is stable and efficient, and the school staff are responsible and competent

   B. What does fiscal accountability mean? The government is *investing* in the school to teach and lead our children as they grow into the generation of leaders, citizens, workers. Fiscal accountability means that your school is giving the government return on it's investment.

II. **Fiscal Accountability**
   A. Development of a 3-5 year budget
      1. Understand *where* the money is coming from
      2. Understand where the money is going
      3. Understand how much is needed to remain viable
      4. Understand implications of shifts in student enrollment
         a. Is there a plan to account for shifts created by the best and worst case scenarios?
         b. Use sample charts showing shifts of 10, 25, or 50 students and the implications of these shifts

   B. Understand repercussions—Do a financial audit; use it for program

   C. Charter is driving force for budget

III. **Organizational Accountability**
   A. What does it mean to be a viable organization?

   B. Is the organization self-sustaining?

   C. What happens when roles/decisionmaking becomes unclear and gets disorganized?

   D. Staff turnover, administrative turnover, internal strife—develop ways to measure or report

# General Session: Public/Parental Accountability

**Key Issues:**

1. Community expectations
2. General accountability to the public
3. What do the parents expect? Keeping parents aware of expectations and the school's vision.

**Goals:**

1. Participants will gain an overall perspective on "public accountability" and what it means to be a public institution
2. Participants will be able to develop strategies to effectively deal with parents

**Session Structure:**

1. Begin with a 15-minute opening session the general concept of public accountability.
2. Briefly discuss different ways of thinking about public accountability.
3. Participants will then break into three small groups and discuss current or future plans to incorporate public accountability into their overall accountability plan.

# Curriculum Outline for:
# Public/Parental Accountability

- I. **Overview**: (To whom is the school really accountable?)
  - A. Public accountability
    - 1. The public wants to know if they are getting what they paid for! Are they getting a return on their investment?
    - 2. Who is the public?
      - a. Issues of local control, private goals, public goals
      - b. General intent of public education—What is it?
    - 3. Cooperating with the local community
      - a. Understand who the school's constituents are
      - b. Be aware of the social and political context
      - c. If possible, try to obtain community input into your mission
  - B. Parental accountability
    - 1. Let parents know what the school is about
    - 2. Have parents contribute to the mission
    - 3. Find out who parents are—talk to parents or interview parents
- II. **The Process—Developing a Public Trust**
  - A. Pre-charter
    - 1. Meet with community and/or parents
      - a. What do parents expect?
      - b. What does community expect?
    - 2. Work with community and parents to develop and expand mission
    - 3. Work with district to begin some type of collaborative partnership
    - 4. What are the expectations of the sponsor
  - B. When the doors open
    - 1. Keep parents aware of school expectations
    - 2. Enrollment—keeps the school accountable
- III. **Discussion of public accountability**
  - A. Public accountability
    - 1. Who is the public?
    - 2. Who is the school's public?
    - 3. Public money—what can it be used for?
    - 4. Obligation as a public institution
    - 5. Public education—what does it mean?

## Assessment and Accountability

1. Who are your audiences?

   A. The sponsoring body
   B. Parents
   C. Broader community
   D. Students
   E. Other educators
   F. The school itself
   G. News media

2. Possible information to be gathered

   A. Academic knowledge
   B. Academic skills
   C. Attendance
   D. Graduation rate
   E. Changes in attitude
   F. Changes in behavior
   G. Information on graduates
   H. Family involvement

3. Assessment methods

   A. Standardized tests (first question is what does the state require)
   B. Performance assessments (look for writing and other assessments others have developed)
   C. Surveys (students, parents, graduates, employers)
   D. Attendance records
   E. Interviews with probation officers or other community officials

4. Lessons learned

A. Have an evaluation committee, composed of educators, parents, community members and if possible someone who is a professional evaluator

B. Look for assistance from colleges and universities (many graduate students are looking for research to conduct

C. Involve young people themselves in helping gather information (i.e. surveys of graduates, writing a year end report, etc.)

D. Accountability is a continuous process, not something put off two-three years into the school's history

E. Be clear about several academic goals before the school opens. Make sure educators, students and families understand those goals from the time they consider participating/enrolling

G. People will talk - make sure you communicate regularly with families

4. *How will the charter movement defend itself against questionable research?* One widely publicized study asserted three years ago, "Actual choice experiments remain young and modest. . . . Very little is known about school choice programs."[22] As a person who helped start and worked in public alternative schools more than 25 years ago, I asked Bruce Fuller, the project director, about this statement. He said that neither he nor his graduate assistant knew much about alternative schools and had not identified information about choice programs, despite the fact that many studies have been done about them.[23]

In a paper presented at the 1996 meeting of the American Educational Research Association (AERA), John Witte, who has studied the Milwaukee voucher experiment, described the school choice movement as a "small dog, constantly nipping and yapping at the heels of a large and slow-moving person who can't kick fast enough or often enough to finally do in the annoying beast. It is probably even more accurate to describe it as a pack of terriers, swarming around their lumbering prey."[24] Everyone is entitled to an opinion. However, should a person who sees the school choice movement as a bunch of dogs or an "annoying beast" be viewed as neutral?

Without interviewing relevant state officials, a recent report from the Consortium for Policy Research in Education asserted, "Neither the federal nor state governments in California, Massachusetts, and Minnesota, the three states included in this study, provided technical assistance to charter schools."[25] Bob Wedl, Minnesota Commissioner of Children, Families, and Learning, responded by listing various examples of technical assistance to charters and requested a retraction. The same authors stated in a paper distributed at AERA that services to charter schools provided by the Center for School Change (CSC), which I direct, are usually provided "on a pay-for-service basis."[26] More than 90% of the assistance the Center for School Change has given to charter schools over the last five years has been contributed. Where did the authors get their information? It's hard to know, since they didn't interview any CSC staff.

Another researcher, Amy Stuart Wells, who has been hired by the National Education Association to direct a study of its efforts in this area, wrote in 1993 that Minnesota law permitted city councils or the board of a public university to sponsor charter schools.[27] Neither was true in 1993. Ask Gary Hart, a former public school teacher and Democratic chair of California's Senate Education Committee, what he thinks about Wells' statement that he believes that charter schools are "the savior of the public system."[28] His long legislative record is readily available. He says that Wells seriously misrepresents his view. Hart thinks charters are valuable, but certainly not "the savior of the public system."

This same researcher has distorted the definition of a "strong charter law." She asserts that strong laws, among other things, "place fewer restrictions on charter schools' admissions policies."[29] Wrong. Louann Bierlein, whose research has been published by the Education Commission of the States, first used the words "strong and weak" to describe charter laws. Bierlein does not include a category regarding admissions tests in her analysis of charter laws. But Minnesotans who helped write the first charter law were very clear in opposing admissions tests.

What about this author? It would be inappropriate for me to direct a study of a charter school's effectiveness. And, though I have contributed to studies, I have declined to direct them. Research should be directed by a neutral person or by co-directors who are open while having differing views.

5. *How will charters deal with issues of facilities?* Buildings are one of the greatest challenges for charters. Some charter schools are doing a marvelous job of sharing space or using nontraditional buildings. One charter shares space with a formerly underused city recreation building. Another shares space with a YWCA. One charter is housed in a former grocery store in a suburban shopping mall. We should not just put up huge new buildings crammed with computers. Sharing or rehabilitating space, as many charters are doing, is a sensible option that federal and state policies should encourage.

But what about the enormous costs of buying, constructing, or rehabilitating buildings? Public school districts can — and often do — turn to their residents for permission to tax for building costs. Charter schools do not have this privilege.

The issue will become even more serious as people try to create hundreds, even thousands, of charter schools. It's another area in which charter and other public school reformers have much to share. As the nation plans the next generation of school buildings, the charter movement is providing exciting models of collaboration.

6. *How can charter proponents convey the excitement, opportunity, and potential of the movement to many skeptical educators and school board members?* Reactions have been mixed from superintendents, school boards, union officials and other educators. But there is a growing openness. Some local union officials are using charters to help teachers create schools they think make sense. American Federation of Teachers (AFT) locals in Dallas and Houston have helped start charters. The Philadelphia Federation has proposed a charter to the local school board. The national AFT remains clear about the kind of charter law it wants — one that will pose no direct challenge to the union's power.

The National Education Association (NEA) appears to have done some rethinking about the charter idea. In 1992 a key NEA official wrote members of Congress that the NEA was "unalterably opposed" to using federal funds to help create charters.[30] But in 1996 the NEA announced that it was devoting $1.5 million to help its members start charter schools.

One NEA charter provided an interesting lesson. After Connecticut teachers and NEA staff members refined their proposal, there was unexpected opposition from other teachers and the school board, which rejected the proposal. Fortunately, Connecticut's law permits an appeal to the state, which approved the charter.

Many state-level unions and state school boards associations would like to block appeals or direct approaches to the state. In a recent study of nine states, more than 90% of the respondents reported that teacher unions and the school boards associations tried hard to keep the sponsorship of charters exclusively in the hands of local boards.

Some educators see the value of multiple sponsors. Detroit Superintendent David Snead, for example, says that permitting people to obtain a charter from either the district or a public university, as Michigan allows, encourages the district to work with outstanding educators who might otherwise "look elsewhere for an opportunity to lead."[31]

Mary Johns, vice president of the Adams Twelve School Board in Northglenn, Colorado, says that the charter movement "has helped produce important conver-

# Jefferson Academy
# Contract for Excellence Progress Report
# October 15, 1996

## A. Graduation Rate

**Our goals were:**

a.) Identified students will demonstrate a 20% increase in performance in those areas where discrepancies by gender exist.
b.) Fifty percent (50%) of the students performing one year below grade level and continuously enrolled will be performing at grade level by July 1, 1996.

b.1) Additionally, 75% of the students performing at least one year above grade level will show at least 9 months of academic growth.

**Results were:**

a.) Gender difference discrepancies were identified among second grade students at Jefferson Academy in reading and word analysis. Per standardized tests, females scored above males in the respective areas (Normal Curve Equivalent Means):

| | Reading (2nd Grade) Fall 1994 | Word Analysis (2nd Grade) Fall 1994 |
|---|---|---|
| Males | 17 | 17 |
| Females | 37 | 30 |

| | Reading (3rd Grade) Spring 1996 | Word Analysis (3rd Grade) Spring 1996 |
|---|---|---|
| Males | 57 | 55 |
| Females | 66 | 61 |

Gender differences still exist but significant closure of the gap took place over the last two years. The goal was to reduce gender difference in reading by 20% or 4 percentile points. This goal was far exceeded by attaining a closure in the reading gap of 55% or 11 percentile points in the last two years. In Word Analysis, the same was true. A 20% decrease in gender difference was the goal (or 2.6 percentile points) and the actual decrease was 54% (or 7 percentile points).
GOAL ACHIEVED AND EXCEEDED.

b.) Eight (8) students were performing one year below grade level in the Fall of 1994 By Spring of 1996, only four (4) were performing one year below grade level.
GOAL ACHIEVED.

b.1) Forty-seven (47) students were performing one year above grade level in the Fall of 1994. Fifty-nine (59) were performing one year above grade level in the Spring of 1996. Thus all 47 students showed the expected 9 months of growth in each of the last two years as well as being joined by additional students who made even greater advances.

**GOAL ACHIEVED AND EXCEEDED.**

## B. Attendance Rate

**Our goals were:**

a.) It was the goal of Jefferson Academy to maintain an attendance rate of at least 95% or better. This will be accomplished by the following:

1.) Ninety-seven (97%) or more of the parents will agree that the school meets their student's needs.

2.) Ninety-seven (97%) or more of the parents will agree that they are well informed about what is being taught.

3.) Ninety-seven (97%) or more of the students will like coming to Jefferson Academy.

4.) Ninety-seven (97%) or more of the parents will feel communication is good at Jefferson Academy.

5.) Parents will volunteer, on the average 24.69 or more hours per individual in the 1995-96 school year.

**Results were:**

a.) Attendance rate for the last two years was 96.4%

1.) Ninety-eight percent (98%) of the parents **did** agree that the school met their student's needs.

2.) Ninety-seven percent (97%) of the parents **did** agree that they were well informed about what is being taught.

3.) Ninety-six and a half percent (96.5%) of the students **did** like coming to Jefferson Academy.

4.) Ninety-seven and a half percent (97.5%) of the parents **did** feel communication was good at Jefferson Academy.

5.) Parents **did** volunteer, on the average 26.64 or more hours per individual in the 1995-96 school year.

**GOALS ACHIEVED.**

## C. Student Achievement

**Our goals were:**

a.) Using the ITBS evaluation, the vocabulary, reading, language (spelling in grades 1 and 2), work-study and math for those students continuously enrolled for the reporting period, were to have improved a minimum of 5 national percentile points based on the NCE mean analysis.

b.) Portfolios were to have been developed to show student growth over time. The portfolios were to include results of standardized tests, criterion-referenced

tests, teacher-made tests, report cards, student work samples and any additional samples of work which help to analyze performance and achievement.
c.) The percentage of continually enrolled at-risk students will have been reduced by at least 5% thus reducing the at risk population to 29.5% or less.
d.) The ITBS Survey edition will have been administered annually to each student in grades 1-6 and 75% of the continuously enrolled students for the reporting period will score at or above predicted ability/grade levels in both reading and math as measured by the ITBS.

**Results were:**

a.) Student achievement results on the ITBS (form G) were as follows:

| | **Vocab 94** | **Vocab 96** | **Read 94** | **Read 96** | **Spell/ Lang 94** | **Spell/ Lang 96** | **Word Anal 94** | **Word Anal 96** | **Math 94** | **Math 96** |
|---|---|---|---|---|---|---|---|---|---|---|
| 1st - 2nd grade | 33 | 70 | NA | 66 | 58 | 80 | 36 | 61 | 78 | *71* |
| 2nd - 3rd grade | 31 | 71 | 25 | 64 | 53 | 83 | 22 | NA | 37 | 77 |
| | **Vocab 94** | **Vocab 96** | **Read 94** | **Read 96** | **Lang 94** | **Lang 96** | **Work/ Study 94** | **Work/ Study 96** | **Math 94** | **Math 96** |
| 3rd -4th grade | 38 | 71 | 51 | 71 | 42 | 79 | 38 | 69 | 35 | 83 |
| 4th - 5th grade | 51 | 73 | 35 | 70 | 41 | 74 | 39 | 69 | 47 | 78 |
| 5th -6th grade | 58 | 70 | 43 | 70 | 53 | 71 | 50 | 62 | 53 | 70 |

Italic score (math) reflects only area where goal was not met. Please be advised that the original application did not have NCE standard scores converted to actual percentile rankings. The table above reflects conversions to percentile rankings.
**GOAL ACHIEVED AND EXCEEDED.**

b.) Portfolios are in progress at every grade level.
**GOAL ACHIEVED AND ONGOING**

c.) At-risk population decreased at the "one grade level below" category (from 6.03% to 3.96%) but increased at the "one grade level above" category (from 28.43% to 34.47%). The latter category is not of great concern to Jefferson Academy due to its rigorous curriculum. Thus, it is our opinion that in our school, students in this category are really not at risk.
**GOAL ACHIEVED BASED ON ANALYSIS ABOVE.**

d.) Based on the ITBS, FORM K (Survey Edition) about eighty-two percent (82.2%) were at or above grade level (1-6) as of the Spring of 1996. About eighteen percent (17.8%) were below grade level. Based on the ITBS, FORM G, nearly eighty-six percent (85.7%) of the students were at or above grade level (1-6) as of the Spring of 1996. About fourteen percent (14.3%) were below grade level. This is quite an improvement when you consider data from assessments in the Fall of 1994. Forty-one percent (41.2%) of our students were below grade level and fifty-nine percent (58.8%)above grade level.
GOAL ACHIEVED AND EXCEEDED.

## D. Additional Goals

**Our goals were:**

a.) Computer Technology Instruction:
Within six months of final installation of a major portion of the computer technology plan for Jefferson Academy, 75% or more of the students in grades 3-6 will be able to create and produce a product using visual, audio or printed means that relates to or supports their curriculum.

Please refer to expanded goals for grade levels three through six in the original application.

**Results were:**
Funding for our computer lab by the school district never occurred. Jefferson Academy has since sought support from a private foundation. Jefferson Academy was awarded a $100,000 grant in May of 1996. Fifty thousand dollars was allocated to the computer lab. The lab is now fully functional and is staffed by a full time computer technology teacher.

Although the lab was not in place, the principal and a parent board member still conducted small classes in computer instruction. Twice a week for a period of a couple of months (in the winter and spring of 1995 and 1996), computers were moved from classrooms (we did have one in each classroom) into the cafeteria and groups of 6-8 students were instructed in aspects of Windows and Microsoft Word. This took place for grades 3 through 6. Thus, only part of the original goals were accomplished due to equipment constraints.
**GOAL NOT ACHIEVED BUT IN PROGRESS.**

## E. Community Satisfaction With School Performance

**Our goals were:**
Jefferson Academy is a school of choice. As stated in Attendance section of the original application, parents had very definite thoughts in regards to becoming involved with Jefferson Academy. Thus it was our goal that that at least 90% of Jefferson Academy's families re-enroll their children in the school for the following year, excluding the children of those families who move out of the Jefferson County Public School District.

**Results were:**
Ninety-seven and a half percent of our students returned to Jefferson Academy each of the last two years. We lost six students due to changes in schools within our district.

## F. Effective School Practices

### a.) Vision

The vision and mission of Jefferson Academy remains the same. The mission of Jefferson Academy is to help students attain their highest social and academic potential through an academically rigorous, content rich educational program. The Board and staff have strategically planned with that vision in mind at all times. The school also has stated goals in the parent handbook which stress development of students in academic, physical, artistic, social, and emotional areas.

## b.) Beliefs about Learning

Jefferson Academy has encouraged and provided growth in basic skills, with a fundamental/traditional approach and utilized the Core Knowledge sequence so that we can enable the student to be self-realized and productive citizens. We believe that students can learn at much higher levels given a more challenging educational environment.

The staff of Jefferson Academy has continued to evaluate the curriculum and related methods and materials based on the following criteria:

a. It is desirable that the curriculum be written from a Core Knowledge and fundamental/traditional perspective.

b. The curriculum should be traditional and conventional in nature, utilizing proven advances in methods in the field of education.

c. The curriculum must be teacher-centered, allowing the teacher to exercise personal giftedness and judgment in applying the curriculum, methods and materials.

## c.) Focus on student performance outcomes

The curriculum of Jefferson Academy is structured to focus on specific content giving specific results. Integration of a wide range of disciplines and a focus on a specific range of core knowledge has led us to specific content standards in each subject area. These content standards will allow our students to experience success as students and citizens.

## d.) Parent and Community Involvement

Parent involvement and participation is critically important at Jefferson Academy. Two-hundred forty-three (243) parents volunteered 6,000 hours in the 1994-95 school year. (Or 24.69 hours per volunteer). In 1995-96 parents volunteered 7,325 hours or an average 26.64 per individual. The school is committed in policy and practice to including parents and families whenever possible.

## e.) Safe school and student discipline

Jefferson Academy has a strict discipline policy and procedure. One of the most important lessons for any student to learn is how to respect authority, respect the rights of others, and take care of his own and other's property. Additionally, no student will be allowed to disrupt the education of other students. Although it is necessary to have school and classroom rules, our emphasis is not on do's and don'ts, but guiding the student to a proper response to any given situation. In order to accomplish this, we have set discipline standards that are enforced fairly and consistently.

Since the classroom teacher is the one who works closest with the children, he or she carries the bulk of the discipline responsibility. The teachers have worked closely with the parents in these matters and communications are open and honest. Teachers and parents have worked together as a team in discipline matters. Jefferson Academy has had only 4-5 suspensions in each of the previous two years of operation.

### f.) Use of technology

Jefferson Academy is committed to continued development of a technology plan that will prepare our students for the 21st century. Jefferson Academy has committed over $65,000 to the development of a state-of-the art technology laboratory.

### g.) Early intervention in high risk situations

Jefferson Academy has employed an exceptional staff who are particularly sensitive to the needs of any high risk student. Teachers work closely with the student, parents, special education teachers and the principal to help design a program that meets the needs of the students who might be at risk. Portfolios and other informal and formal assessments are used to assess progress and to help keep the family well informed. Jefferson Academy seeks to intervene early in the educational experience of the student, usually kindergarten through third grade. This gives the student a better chance of being remediated before adversely affecting the student's educational success. Jefferson Academy has employed three special education teachers to serve its high risk community. Additionally, educational assistants have been hired for every classroom, serving a minimum of five hours a day. This kind of staff ratio helps us support our mission to meet the needs of every student in our school.

# SCHOOL PERFORMANCE INCENTIVE AWARD
# CONTRACT FOR EXCELLENCE
# APPLICATION

SCHOOL: Jefferson Academy Charter School Date: June 2, 1995
DISTRICT: Jefferson County Public School District R-1 PRINCIPAL: Michael E. Munier
SCHOOL ADDRESS: 9955 Yarrow Street
City: Broomfield State: CO Zip Code: 80021 Telephone: 438-1011

## I. SCHOOL PROFILE (Who Are We?)

Location (check one): Urban ___ Suburban X Rural ___

### Student Characteristics

Number of Students: District: 84,145 Increasing by: 1.6% for 1 year
Building: 189 Increasing by: 100% for 1 year

### Racial/ethnic breakdown:

| | | | |
|---|---|---|---|
| 2 | American Indian | 178 | Caucasian/Non-Hispanic |
| 2 | Black | 0 | Pacific Islander |
| 5 | Asian | 4 | Hispanic |
| Special Education Population | | 10 | (Identified) |

### Community Characteristics:

Please describe your community using such factors as:

- X socio-economic level
- X education level of parents
- X mobility
- X record of community volunteer activities
- X participation in such programs as Aid to Dependent Children and Chapter 1
- X family status

(Indicate which characteristics from the list above you will describe in your narrative)

Jefferson County Public School District R-1 is the largest school district in terms of student population in the state of Colorado. The county covers an area of nearly 785 square miles. The main communities in the county are: Arvada, Broomfield, Golden, Lakewood, Littleton, Westminster, and Wheat Ridge.

Jefferson Academy was organized by parents who were seeking a more traditional and fundamental approach to education for their children. The school was approved by the Jefferson County School Board in May of 1994 after going through an appeal process with the Colorado State Board of Education. The first actual day of operation was August 29, 1994. The school is located in the old Juchem Elementary school site in Broomfield. The school serves 189 students, kindergarten (two half day programs) through sixth grade. There is a substantial waiting list of well over 400 students. Jefferson Academy is sharing the Juchem site with a Jefferson County Public School pre-school program.

Economic levels within the school are as follows: 1.6% < $25K, 54.6% < $50K, 32% < $75K, and 11.7% > $75K. Ninety-one percent (91%) of our parents have some college level education, and 57.7% have at least a four year college degree or greater. Mobility in our first year was 1.5%. Over 6,000 hours of parent volunteer hours have been served in the school's first year. The free and reduced lunch program serves 5.2% of our families. Five percent (5%) of the students are staffed for special education with an anticipated increase of 10-12% in staffings for the upcoming school year. Amazingly, 95% of our students come from two parent families.

## Faculty/Staff Characteristics:

**Certificated Staff:** Total Number: 11+1 (see other)

**Education:** (Please indicate number of staff in each category.)

|  |  |  |  |
|---|---|---|---|
| BA | 10 | EDD/PHD | 0 |
| BS | 0 | OTHER | 1(Certification Waiver-Certificate pending, holds BA) |
| MA | 2 |  |  |

**Years of Experience Teaching:** (Please indicate number of staff in each category)

4 below 5
5 6-10
2 11-15
1 above 15

**Racial/Ethnic Breakdown:**

0 American Indian
0 Pacific Islander
0 Black
0 Hispanic
0 Asian
12 White

**Faculty Usage:**

The faculty and administration consist of seven regular classroom teachers, three 1/3 time specials teachers (P.E., Music and Art), one special education teacher (EC/PC), one part-time speech and language therapist, and one principal/administrator. The classroom teachers are responsible for student instruction in a self-contained environment. The primary curriculum used in reading and math is the Open Court series and social studies, science and fine arts are driven by the Core Knowledge Foundation's Curriculum Series. The pupil/teacher ratio is maintained at 26 to 1, although the school does maintain educational assistants in every classroom for 5 to 7 hours per day. The Principal is the instructional, administrative, operational and organizational leader in the school. The Board of Directors and staff work in conjunction with the Principal to establish educational policies and procedures as well as set goals, develop programs and determine appropriate methods and material to accomplish the mission of Jefferson Academy.

The classified staff includes seven classroom aides (educational assistants) one school secretary, one playground supervisor, one clinic aide, and one custodian. The educational assistants support the classroom teachers with clerical duties, working with small groups and recess supervision. The school secretary attends to all school office duties and needs and maintains all school records per district standards. The clinic aide attends to minor medical emergencies and administers student medication and medical action plans. The custodian works in conjunction with the district paid building engineer and maintains all classrooms and facilities for a safe and clean school environment.

**Classified Staff:** Total 11

## School Improvement Process:

Please describe the function of your school improvement (Accountability) Committee including membership (racial/ethnic and gender balance), specific needs assessment strategies, organization and methods of decision making, and significant activities.

The function of the Accountability Committee is to develop, evaluate and provide advice and direction for the school in it's overall improvement plan process. The committee is comprised of the members of the Board of Directors and interested parents and teachers. Racial/ethnic balance reflects our community. Gender balance is one-third female and two-thirds male. The committee is chaired by the Board President. Needs assessment has been directed by use of this Contract for Excellence as well as standard school improvement criteria. After standard collection of data from school personnel and parents, decisions were made in regard to school operations, planning and goal setting by in an overall cooperative decision-making process. A comprehensive compilation of data regarding the school's first year of operation has been developed and all has been submitted to the parent community, district and state as prescribed by state and district policy.

The school has been quite successful in providing a rigorous, content rich program. Our traditional/fundamental delivery system has focused on achievement results as prescribed by our overall scope and sequence as adopted through our charter contract between Jefferson Academy and the Jefferson County School Board.

**Organizational Structure of the School** (Briefly Describe.)
Jefferson Academy operates under a Charter School Contract which was negotiated between the Board of Directors of Jefferson Academy and the Jefferson County Public School District. The charter school law enables parents, teachers or organizations to establish new, innovative and experimental ways to educate children within the public system; resulting in more options for the students and families. Jefferson Academy has a Board of Directors which consists of seven members (six parents and the Principal) and this Board is solely responsible for all aspects of the school. The Board of Directors is responsible for its own operations which include all fiscal, personnel, administrative, operational and educational aspects of the school.

Assisting the Board of Directors are the two standing committees: Teacher Review and Accountability. Additional committees have been convened as needed in the following areas: Business Development, Publicity, Fund-raising, and Technology. These committees report to the Board on an as needed basis.

**Educational Program** (Briefly describe program including any special features)

The mission of Jefferson Academy is to help students attain their highest social and academic potential through an academically rigorous, content rich educational program.

This mission will be accomplished through the use of the Core Knowledge Foundation's Scope and Sequence (as researched and reported by Dr. E.D. Hirsch of the University of Virginia) and a fundamental, "back-to-basics" approach. Thus, Jefferson Academy emphasizes the teaching of basic skills with a traditional and conventional approach, in a self-contained educational environment. Our academically-oriented program is organized so that the entire class generally works as a single group on grade level material with ability grouping occurring where necessary. Emphasis is placed on the basic foundations necessary for an academically sound education: reading (with emphasis on phonics), mathematics, English, grammar, geography, history, government, penmanship, spelling, fine arts, physical education and science. Homework is assigned on a regular basis with the goal of strengthening and/or enriching daily work.

Strict discipline and order is maintained. Students are expected to respect authority, accept responsibility, respect the rights of others, take care of their own property and be careful with the property of others.

Assessment includes teacher observations, evaluation of regular assignments and student product; teacher-made tests; report cards; standardized, normed and criterion referenced tests; and student portfolios.

## II. CRITERIA FOR AWARD

For criteria A through E please complete information related to:

### Where Did We Begin?

Provide data to support the current student academic performance for your school in each of the three State Board of Education goal areas and additional goal areas (as appropriate). Indicate community satisfaction levels. Disaggregate the data for racial/ethnic and gender sub-populations where possible.

### Where Are We Going?

(Please list goals/objective you have set for the coming year related to the State Board of Education goals, your district priorities and your community needs.)

### How Do We Get There?

(Briefly describe methods and activities.)

### How Do We Know We Are There?

(Please indicate the measures you will use to indicate progress toward your goals. A two-year history is required. Please build into your measurement design disaggregation of data and use of performance-based measures where possible.)

## A. Graduation Rate 20 points

### 1. Where Did We Begin?

The 1994-95 school year was Jefferson Academy's first full year of operation. Baseline data was derived from teacher observations, past documentation, parent input and standardized test results to identify the abilities and needs of our students in relation to the goals, objectives and expectations of the school and its curriculum. Teachers made adjustments as needed for individual students.

a. Gender differences have been identified among second grade students at Jefferson Academy in reading and word analysis. Per standardized tests, administered in the fall, females scored above males in the respective areas (Normal Curve Equivalent Means):

| | Reading (2nd Grade) | Word Analysis (2nd Grade) |
|---|---|---|
| Males | 30.15 | 29.69 |
| Females | 42.61 | 39.00 |

b. At-risk students are identified as students performing at least one year above or below grade level (Federal Chapter 2 definition). Through teacher observation and formal evaluation of student performance, it has been determined that:

- 34.5% of Jefferson Academy's K-5 student population is at-risk.
- 6% of the students are performing at least one year below grade level in the five major areas of achievement (vocabulary, reading, language, work-study and math).
- 28.5 % of the students are performing at least one year above grade level in the five major areas of achievement (vocabulary, reading, language, work-study and math).

### 2. Where Are We Going?

Through analysis of the above data, Jefferson Academy has adopted the following graduation rate goals:

a. Jefferson Academy will be able to document by July 1, 1996 that specific changes and adjustments will have been made to instructional methods to reduce gender differences in performance among students from the 1994-95 second grade class. As a result, identified students will demonstrate a 20% increase in performance in those areas where discrepancies by gender exist.

b. Jefferson Academy staff will be able to document by July 1, 1996 that at least 50% of the students continuously enrolled and performing at least one year below grade level will be performing at grade level. Additionally, 75% of the students performing at least one year above grade level will show more than the expected 9 months of academic growth.

### 3. How Do We Get There?

The mission of Jefferson Academy is to help students attain their highest social and academic potential through an academically rigorous, content rich educational program. As a result of this mission, Jefferson Academy has adopted challenging content standards in all instructional areas. Our traditional delivery system and enriching core knowledge program will be used to meet student needs and thus accomplish the above stated goals.

### 4. How Do We Know We Are There?

We will know we have accomplished our goals when Jefferson Academy can document by July 1, 1996 that:

a. Identified students will demonstrate a 20% increase in performance in those areas where discrepancies by gender exist.

b. Fifty percent (50%) of the students performing one year below grade level and continuously enrolled will be performing at grade level by July 1, 1996. Additionally, 75% of the students performing at least one year above grade level will show more than the expected 9 months of academic growth.

## B. Attendance Rate 15 points

### 1. Where Did We Begin?

Parents have made a significant decision to have their children attend Jefferson Academy. In the spring of 1995, Jefferson Academy families listed the following reasons for enrolling in the school in our 1994-95 school survey (180 responded to this section):

| | |
|---|---|
| 146 responses | I wanted higher standards and expectations held for all students. |
| 140 responses | I wanted a traditional, "back-to-basics" system. |
| 135 responses | I wanted a more disciplined classroom and school environment. |
| 108 responses | The current school system was not meeting my child's needs. |
| 103 responses | The current school system was not responsive to my concerns as a parent. |
| 75 responses | I wanted a smaller school community. |
| 20 responses | Other: |

Additionally, the following data was collected:

97% of the parents agree that the school meets their student's needs.
97% of the parents agree that they are well informed about what is being taught.
97% of the students like coming to Jefferson Academy.
97% of the parents feel communication is good at Jefferson Academy.
243 parents have volunteered 6,000 hours in the 1994-95 school year. (Or 24.69 hours per volunteer)

**The current attendance rate is 96.4%.**

### 2. Where Are We Going?

It is the goal of Jefferson Academy to maintain an attendance rate of at 95% or better. This will be accomplished by the following:

Maintain or increase the percentage of parents who agree the school meets their students needs.
Maintain or increase the percentage of parents who agree that they are well informed about what is being taught.
Maintain or increase the percentage of students who like coming to Jefferson Academy.
Maintain or increase the percentage of parents who feel communication is good at Jefferson Academy.
Maintain or increase the average number of volunteer hours served in the school.

### 3. How Do We Get There?

a. When absences occur, teachers will make contact with the student and parents within one school day. This will insure that make-up work is clearly assigned so that the impact on overall school work will be minimized and the student will not be overwhelmed by make-up work upon returning to school.

b. Students will be recognized each semester for perfect attendance through classroom awards given out by the principal.

c. Students will be recognized for good work and behavior.

d. Student work will be displayed in the classrooms and main hall.

e. Students with absences in excess of five percent will be contacted by the teacher and/or Principal to determine causes for absences. Strategies will be developed to help the student improve absenteeism.

f. Parent involvement will continue to be encouraged and more opportunities will be developed for parent involvement.

g. Continue newsletter efforts to communicate the philosophy, expectations and curriculum of the school

### 4. How Do We Know We Are There?

When the school is able to document by July 1, 1996 that:

97% or more of the parents agree that the school meets their student's needs.
97% or more of the parents agree that they are well informed about what is being taught.
97% or more of the students like coming to Jefferson Academy.
97% or more of the parents feel communication is good at Jefferson Academy
Parents will have volunteered, on the average 24.69 or more hours per individual parent in the 1995-96 school year.

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## C. Student Achievement Rate 25 points

### 1. Where Did We Begin?

Per our parent survey, 67% of our families felt their children's academic needs were not being met in their previous school (11% had no opinion). Jefferson Academy administered the Iowa Test of Basic Skills the first week of September, 1994. The results of the Normal Curve Equivalent percentile means were as follows:

| | Vocab | Reading | Spelling | Word Anal. | Math |
|---|---|---|---|---|---|
| First Grade | 41.03 | NA | 54.61 | 42.80 | 66.53 |
| Second Grade | 40.15 | 36.38 | 52.30 | 34.34 | 43.19 |
| | **Vocab** | **Reading** | **Language** | **Work/Study** | **Math** |
| Third Grade | 44.44 | 50.69 | 46.44 | 44.22 | 41.88 |
| Fourth Grade | 51.18 | 42.22 | 45.50 | 44.59 | 48.59 |
| Fifth Grade | 54.50 | 46.57 | 52.03 | 50.42 | 52.34 |
| Sixth Grade | 64.00 | 62.66 | 53.86 | 54.20 | 56.13 |

**These results, in addition to teacher observations, would suggest that achievement and skills were generally below average.**

### 2. Where Are We Going?

By July 1, 1996, Jefferson Academy will document that:

- Using the ITBS evaluation, the vocabulary, reading, language (spelling in grades 1 and 2), work-study and math for those students continuously enrolled for the reporting period, will have improved a minimum of 5 national percentile points based on the NCE mean analysis.
- Portfolios will have been developed to show student growth over time. The portfolios will include results of standardized tests, criterion-referenced tests, teacher-made tests, report cards, student work samples and any additional samples of work which help to analyze performance and achievement.
- The percentage of continually enrolled at-risk students will have been reduced by at least 5% thus reducing the at risk population to 29.5% or less.
- The ITBS Survey edition will be administered annually to each student in grades 1-6 and 75% of the continuously enrolled students for the reporting period will score at or above predicted ability/grade levels in both reading and math as measured by the ITBS.

### 3. How Do We Get There?

Jefferson Academy will achieve the stated goals by doing the following:

- Teachers will develop strategies especially aimed at improving the reading, language and math skills of those students in the first and second quartiles of the respective sub-tests.
- Teachers in grades 1-6 will set up incentive systems to encourage additional reading at home, beyond normal homework levels.
- Jefferson Academy will continue to set high expectations and help parents to establish the same expectations at home.
- Staff will focus on additional inservice activities and staff development activities that will increase their abilities to challenge and meet the needs of all students in the Reading, Language and Math areas.
- Jefferson Academy will further develop the school library so that it provides resources for students and their families in the reading and language areas.

### 4. How Do We Know We Are There?

Jefferson Academy staff will be able to document by July 1, 1996 that the goals identified in section 2 above (Where are we going?) have been attained as stated.

## D. Additional Goals 10 points

### 1. Where Did We Begin?

Jefferson Academy is without appropriate computer technology and is in final planning stages to purchase systems that will serve our school community and its unique needs. Upon funding from the school district and additional fund raising by our PTO and Business Development Committee, Jefferson Academy will install an adequate technology plan by the end of the first academic quarter of 1995.

### 2. Where Are We Going?

Within six months of final installation of a major portion of the computer technology plan for Jefferson Academy, 75% or more of the students in grades 3-6 will be able to create and produce a product using visual, audio or printed means that relates to or supports their curriculum.

### 3. How Do We Get There?

Teachers will receive training and be scheduled into the computer lab following a plan to be determined by the staff. Additional paid and volunteer staff with specialization in the use of technology and computers in an educational setting will be sought to assist classroom teachers with this process.

### 4. How Do We Know We Are There?

**Third Grade:** Students will write and print a short story, will illustrate the story on the computer and print the illustration. Students will illustrate scientific concepts with a printed product. Students will enter data into a spreadsheet, and prompt the computer to plot a chart. Students will be proficient at researching through the use of CD-ROM resources.

**Fourth Grade:** Students will monitor individualized growth in the use of the keyboard by analyzing individualized graphs and charts. Students will enter data into a spreadsheet table, analyze the pattern, and complete the table. Students will use formulas in a spreadsheet calculation. Students will illustrate scientific concepts. Students will type and print a short story with illustration(s). Students will be very proficient at researching through the use of CD-ROM resources.

**Fifth Grade:** Students will type and print assignments for language arts, science and social studies. Students will use a spell checker program. Students will use desk top publishing techniques to generate a newspaper style printout. Students will use a spreadsheet, record data and prompt the computer to plot a graph. Students will generate illustration for a non-fiction piece of writing. Students will be very proficient at researching through the use of CD-ROM resources.

**Sixth Grade:** Students will set up a data base, enter data, sort and select. Students will set up a spreadsheet, enter data, and prompt computer to plot a graph. Students will generate illustrations of scientific concepts. Students will use technology to generate printed products in all classroom subject areas. Students will use desk top publishing techniques to contribute to a group newspaper project. Students will be very proficient at researching through the use of CD-ROM resources.

## E. Community Satisfaction With School Performance 10 points

### 1. Where Did We Begin?

Jefferson Academy is a school of choice. As stated in Attendance section of this document, parents had very definite thoughts in regards to becoming involved with Jefferson Academy. The primary reasons in rank order were as follows:

- I wanted higher standards and expectations held for all students.
- I wanted a traditional, "back-to-basics" system.
- I wanted a more disciplined classroom and school environment.
- The current school system was not meeting my child's needs.
- The current school system was not responsive to my concerns as a parent.
- I wanted a smaller school community.

### 2. Where Are We Going?

Jefferson Academy will be able to document by July 1, 1996, that at least 90% of Jefferson Academy's K-6 grade families re-enroll their children in the school for the following year, excluding the children of those families who move out of the Jefferson County Public School District.

### 3. How Do We Get There?

Jefferson Academy will continue to serve our constituency and respond to their suggestions and needs. Parent surveys will be administered, yearly, to assess general and specific satisfaction in the following areas: curriculum, instruction and assessment; instructional effectiveness; school climate; administrative staff effectiveness; and communication. Jefferson Academy will also educate parents on the philosophy, curriculum and methods prescribed in our charter agreement through parent "coffees" with the Principal. These discussions and chats will allow parents a place to process their concerns as well as their joys.

### 4. How Do We Know We Are There?

Jefferson Academy will be able to document by July 1, 1996, that at least 90% of Jefferson Academy's families re-enroll their children in the school for the following year, excluding the children of those families who move out of the Jefferson County Public School District.

## F. Effective School Practices 15 points

Provide a brief narrative description of your school's practices in at least four of the areas listed below.

⇒ 1. Vision
⇒ 2. Beliefs about learning
3. Diversity of education options
⇒ 4. Focus on student performance outcomes
⇒ 5. Parent and community involvement
⇒ 6. Safe school and student discipline
⇒ 7. Use of technology
⇒ 8. Early intervention in high risk situations
9. Other correlates of restructured and effective schooling

### 1. Vision

The mission of Jefferson Academy is to help students attain their highest social and academic potential through an academically rigorous, content rich educational program. The Board and staff strategically plan with that vision in mind at all times. The school also has stated goals in the parent handbook which stress development of students in academic, physical, artistic, social, and emotional areas.

### 2. Beliefs about learning

Jefferson Academy will encourage and provide growth in basic skills, using a fundamental approach and utilizing the core knowledge scope and sequence so that we can enable the student to be self-realized and productive citizens. We believe that students can learn at much higher levels given a more challenging educational environment.

The staff of Jefferson Academy continually evaluates the curriculum and related methods and materials based on the following criteria:

a. It is desirable that the curriculum be written from a Core Knowledge and Fundamental perspective.

b. The curriculum should be traditional and conventional in nature, utilizing proven advances in methods in the field of education.

c. The curriculum delivery system must be teacher-centered, allowing the teacher to exercise personal giftedness and judgment in applying the curriculum, methods and materials.

### 4. Focus on student performance outcomes

The curriculum of Jefferson Academy is structured to focus on specific content giving specific results. Integration of a wide range of disciplines and a focus on a specific range of core knowledge has led us to specific content standards in each subject area. These content standards will allow our students to experience success as students and citizens.

### 5. Parent and community involvement

Parent involvement and participation is critically important at Jefferson Academy. Two-hundred forty-three (243) parents have volunteered 6,000 hours in the 1994-95 school year. (Or 24.69 hours per volunteer). The school is committed in policy and practice to including parents and families in the educational processes whenever possible

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## 6. Safe school and student discipline

Jefferson Academy has a strict discipline policy and procedure. One of the most important lessons for any student to learn is how to respect authority, respect the rights of others, and take care of his own and other's property. Additionally, no student will be allowed to disrupt the education of other students. Although it is necessary to have school and classroom rules, our emphasis is not on do's and don'ts, but guiding the student to a proper response to any given situation. In order to accomplish this, we have set discipline standards that are enforced fairly and consistently.

Since the classroom teacher is the one who works closest with the children, he or she carries the bulk of the discipline responsibility. It is important that the teacher works closely with the parents in these matters and communications are open and honest. It is of utmost importance that the teacher and parents work together as a team in discipline matters.

Jefferson Academy has Four School Rules which promote a safe environment:

1. Keep all communications honoring to one another.
2. Keep your hands and feet to yourselves.
3. Respect and obey all supervising adults.
4. Be a good caretaker of all things.

## 7. Use of technology

Jefferson Academy is committed to a technology plan that will prepare our students for the 21st century. Please refer to page 7 for an excerpt from our technology and improvement plan.

## 8. Early intervention in high risk situations

Jefferson Academy has employed an exceptional staff who are particularly sensitive to the needs of any high risk student. Teachers work closely with the student, parents, special education teacher and the principal to help design a program that meets the needs of the students who might be at risk. Portfolios and other informal and formal assessments are used to assess progress and to help keep the family well informed. Jefferson Academy seeks to intervene early in the educational experience of the student, usually kindergarten through third grade. This gives the student a better chance of being helped before problems adversely effect the student's educational success.

The Academy is also serviced by the Central Assessment Team. This team consists of an educational consultant, nurse, speech therapist, psychologist, language diagnostician and a social worker. Staffing and evaluations is only by referral and with a signed consent of the parents of the student.

## III. What Have We Accomplished?

(Describe the means by which your school reports progress toward its goals to the State Board of Education and to the public.)

1. Staff produces weekly letters, which are sent home, thus, keeping families informed.
2. The Principal meets weekly with parents at a parent coffee for discussion and input.
3. Open Board of Director meetings occur every month except July.
4. Principal attends monthly Principal meetings at District level and monthly area Principal articulation meetings.
5. Two accountability committee members attend monthly district accountability meetings.
6. The school has an improvement plan in place and will be updating it annually.
7. The school will publish an annual year-end report to the public with all required components.
8. A report to parents on overall test results is published annually, with K-6 group results and individual results.
9. Jefferson Academy submits a semi-annual report to the Jefferson County Public School District Board of Education in November and March of each school year.
10. Jefferson Academy responds to many requests to visit the school and conducts interviews as to the philosophy, curriculum and structure of the school. Many of those interviews have been published or are used in open discussion throughout the United States.

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Submitted by:

Principal ____________________ Date ____________________

Governing Board President ____________________ Date ____________________

Superintendent ____________________ Date ____________________

Local Board President ____________________ Date ____________________

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Approved by:

State Board of Education Chairperson ____________________ Date ____________________

**CHARTER FRIENDS**
**NATIONAL NETWORK**
connecting and supporting state-level charter school initiatives

# Accountability for Student Performance

## *An Annotated Resource Guide for Shaping an Accountability Plan for Your Charter School*

*June 1998*

## *About this Guide...*

The origins of this resource guide lie in informal conversations over the past year among the directors of a number of state charter school resource centers and others on the need to strengthen accountability systems in charter schools. An informal survey of resource center directors by Charter Friends National Network in early 1998 also found this issue to be the top priority concern of the centers and the schools they represent.

To begin to focus this conversation, the Friends Network helped convene about thirty "Friends Group" leaders, chartering authority officials, school leaders, and other national experts on assessment and accountability for a two-day meeting in early February. Out of this meeting, a smaller working group developed and circulated a six-point framework for schools to help them design and implement their own accountability programs. This resource guide is an extension of that frame-work and is intended to be the first in a series of assessment and accountability tools that will be developed and made available to schools through the resource centers.

Among the resource center leaders who helped draft and circulate the six-point framework were Robin Steans, Leadership for Quality Education in Chicago, Eric Premack and Laurie Gardener, California Charter School Development Center and Sarah Tantillo, New Jersey Charter School Resource Center. A complete list of individuals who participated in the February meeting may be found at the end of this resource guide.

This resource guide is being distributed through a number of charter school resource centers and other state-based charter support organizations. Individual copies are also available at no charge to charter school operators and planners by contacting Charter Friends National Network, 1355 Pierce Butler Route, Suite 100, St. Paul, MN 55104; 612-644-5270; 612-645-0240 (fax) or via e-mail at info@charterfriends.org

## *INTRODUCTION*

At some point, every charter school undertakes the important, but somewhat daunting, task of developing a student performance accountability plan -- a plan for determining what its students should know and be able to do, how the school will determine whether they have achieved these goals and how student performance will relate to the charter granting and renewal process.

What follows is an outline of six critical questions charter school developers need to consider as they develop a student accountability plan for their school. In addition, we have tried to pull together and list some of the existing resources (human and written) that are available as you consider these questions.

The six key questions - and related resources - are:

I. What is our school's mission?
II. What do we want our students to know and be able to do?
III. How will we know whether our students are achieving or attaining the goals and standards we specified in our charter?
IV. How will we gather and monitor the necessary student performance information?
V. How will we set and measure progress toward school performance goals?
VI. How will we use the student and school performance information we have gathered?

There are, of course, many more sources of advice and assistance than we could detail in this brief Guide. There are also additional needs for "assessment tools" that we've identified during the course of our work on this resource guide. A number of charter school resource center centers are now working together to develop many of these tools in ways that are specifically geared to charters.

As those tools are developed, they will be made available to schools through the resource center in each state. In the meantime, this guide should give you a place to start in thinking through the development of a student performance and school accountability for your school.

## *QUESTION #1:*

## *What is our school's mission?*

Before you can meaningfully delve into what you want your students to know and be able to do when they graduate and how you will monitor progress against these goals, you will need to establish a clear mission for the school as a whole. A mission statement is usually only a brief statement of purpose; however, a well-developed statement forces stakeholders to clarify exactly what it is they are about. This process ensures that relevant parties share a common vision and helps shape future decisions. Typically, mission statements answer three key questions: who you seek to serve, what you seek to accomplish, and how you will proceed (i.e., what methods you will use).

### Currently Available Reference Materials:

For other examples of mission statements, more background on what constitutes a good mission statement, and how they can be effectively developed, you may want to refer to the following:

- "Managing the Nonprofit Organization," pages 3-8, by Peter Drucker
- The federal charter schools web site

(www.uscharterschools.org/tech_assist/ta_mission.htm)

- Chapter 2 of the "Charter School Handbook," Pioneer Institute/Charter School Resource Center (www.pioneerinstitute.org/csrc/ch2.html)
- Pages 10-12 of the "Charter School Development Guide," by Eric Premack

## *QUESTION #2:*

## *What do we want our students to know and be able to do?*

The next step in developing an accountability plan is to identify what it is you want your students to know and be able to do when they graduate. This typically involves establishing a set of student performance standards, goals, and outcomes. Many are able to accelerate the standards-setting process by referring to existing standards setting efforts at the local, state, and national level.

Some schools may be required to conform or adhere to local or state standards, depending on your state charter laws and processes. Developing a school's standards is a technically challenging task. It usually consists of several steps such as (1) articulating desired characteristics of "educated" students at a general level, (2) breaking these general qualities and goals into more concrete graduation or exit standards, and (3) benchmarking these exit standards down into specific and measurable grade-age-level content and performance standards.

## Currently Available Reference Materials:

For suggestions on how to select and set student performance goals and standards as well as examples of some highly regarded standards, see:

- Raising the Standard," by Doyle and Pimentel. This book provides concrete process suggestions on how to establish and implement a standards-setting effort at the school district level. It also contains some brief information on assessment and accountability matters, as well as a CD ROM disk containing examples of standards and standards setting. To order, call (800) 499-9774.

- The Thomas B. Fordham Foundation has published reviews and rankings of state-level standards documents in five "core subjects, including English, history. Geography, math, and science. The reports are available on the web at: (www.edexcellence.net, http://www.uscharterschools.org/tech_assist/ta_mission.htm) and single copies may be ordered for free by calling 1-888-TBF-1474.

- "Navigating the Standards Maze," by Laude Gardner/Charter Schools Development Center. This briefing paper provides specific process and technical guidance to charter developers in California. Many of the paper's general principles are helpful in other states. The paper is on the web at the following address: (www.csus.edu/ier/charter/standardsmaze.html).

- A Comprehensive Guide to Designing Standards-Based Districts, Schools, and Classrooms," by Marzano and Kendall, published by McREL" and ASCD (www.escd.org).

- "Content Knowledge, a Compendium of Standards and Benchmarks for K-12 Education, by Marzano and Kendall. Some of this catalog-sized document is available on the web (www.mcrel.org). This large book contains nearly 250 standards and related benchmarks in 11 major disciplines (ranging from math, to language arts, to "life skills,). It seems to borrow heavily from, and provides brief descriptions of, the major national-level standards-setting efforts in many subject areas. It only briefly references state-level efforts.

- The New Standards Project sells its sets of performance standards in English language arts, mathematics, science, and applied learning. They also offer aligned assessment instruments including standardized tests (by Harcourt Brace) and portfolio systems. More information is available through the web (www.newstandards.org).

- "Charter School Development Guide." (pages 12-20) by Eric Premack

- Many states' standards and national standards documents are available on the web via the Putnam Valley School District's standards web (www.putwest.boces.org). This site also has a large number of standards-related links.

## QUESTION #3:

## How will we know whether our students are achieving or attaining the goals and standards we specified in our charter?

Put another way, how can your school ensure that students are making strong progress toward your school's standards or goals? Will you want to develop portfolios over the course of their time at the school? Will you develop some exit examinations or performance assessments to be administered just before graduation? Will you rely on standardized test scores? Or will you use some combination of these tools to determine when and if your students truly qualify for a diploma or to move on to a higher grade level?

Most schools find that it is necessary to assemble a mix of assessments and measurement practices. The school should select testing and measurement tools, each of which is an appropriate, valid, and reliable method for measuring progress toward achieving each of the school's major goals and standards.

A well-balanced set of assessments will likely include a range of methods, the familiar standardized basic academic skills tests or more sophisticated publisher developed tests, to less traditional "alternative" or "authentic" assessment and measurement practices such as systems for assembling and judging portfolios of student work, performance tasks or presentations judged by "Juries" and graduation committees.

Sometimes these measurement practices are as simple as monitoring and tracking student attendance and discipline data, data on student community service projects, college entrance, and the like.

As you try to answer these questions, you will want to consider (1) what form(s) of assessment are most appropriate for each of the individual skills and competencies you are trying to measure, and (2) who should administer each assessment (e.g., a teacher may be best suited to help compile a portfolio of student work, but you might want an outside party to evaluate pieces of the portfolio or to review a student's exit performance).

## Currently Available Reference Materials:

### *Assessment in General*:

- Chapter 5 of "Raising the Standard," by Doyle and Pimentel, contains a very *brief* overview of several major types of assessment tools and basic process tips on how to establish an assessment system.

- The ERIC clearinghouse on Assessment and Evaluation's web site contains an extensive array of links at: (http://Ieric.ae2.edu.cua.edu). Unfortunately many of these links are technical or theoretical in nature.

- Rummaging Through the Assessment Toolbox, by Laurie Gardner/Charter Schools Development Center. This California-oriented briefing paper provides an overview and process suggestion on how to assemble a student assessment system for charter school developers. (Currently in draft form.)

- Beyond Testing: Toward a New Theory of Educational Attainment, by Caroline Gipps (Falmer Press). This theory-oriented book provides a balanced overview of current thinking on the strengths, weaknesses, and appropriate uses of various assessment and measurement practices.

- There are a large number of college and university texts on student testing and assessment, many of which are accessible to a lay audience. "Educational Assessment of Students," by Anthony Nitko (Merrill/Prentice Hall) is one such text that provides a helpful overview.

## Standardized Testing:

- "Understanding Achievement Tests: A Guide for School Administrators," edited by Larry Rudner. This brief book is currently available on a Gopher site on the ERIC web site listed above. This booklet provides a simple, jargon-free, overview of standardized achievement tests for the lay reader. Though nearly a decade old, it's still quite helpful.

- For a brief description of several standardized and non-standardized instruments suggested for use by charter schools, see the CAREI web site at http://carei.coled.umn.edu/CharterSchools/apr97assessment/toc.htm. These instruments include both basic academic skills tests as well as tests to measure affective variables that are central to many charter schools' missions.

## "Alternative/Authentic" Assessment:

- Alternative assessment guru Grant Wiggins' CLASS web site contains order forms for several publications along with a rubric database at: www.classnj.org

- The Coalition of Essential Schools (CES) pioneered much of the work in alternative assessment. Visit their web site at: www.ces.brown.edu for lists of articles, books, and research papers on such topics as essential elements of exhibitions and how to get started with digital portfolios.

- The National Center for Fair and Open Testing publishes a guide on alternative assessment and offers guidelines on the fair and ethical use of tests and assessments. Most are available for download or order via their web site: www.fairtest.org

***Portfolios***: (collections of student work over time and *exhibition* (public performances before panels of judges):

- See the Coalition's web site (above) for publications on creating digital portfolios, including tips for getting started, case studies of schools using digital portfolios, and lists of commercial portfolio software programs.
- Those wishing to visit schools that are currently using portfolios, exhibitions, and graduation performance assessment can call the Coalition of Essential Schools' main office at (401) 863-3384 to get the listing of their local CES office. These local CES offices can then provide lists of schools in the areas which are incorporating alternative assessments and which are open to visitation.
- In California, The Open School (K-8, Los Angeles) is using electronic portfolios for all of their students. Guajome Park Academy Charter School in Vista also utilizes digital and other portfolios and requires students to present exhibitions on a regular basis.
- CRESST, a federally funded assessment research consortium, maintains a database of alternative assessment tools (http://cresst96.cse.ucla.edu/database.htm).

***Alternative graduation assessment***:

- Central Park East Secondary School in New York City pioneered the concept of requiring prospective graduates to develop cumulative portfolios and present them in a series of exhibitions to a "graduation committee" which assesses which skills and graduation readiness according to staff and student-developed rubrics. Several other high schools, including Fenway Middle College High School in Boston, MA, have developed similar systems. To find out more about Fenway's work, contact Jennifer London at the Center for Collaborative Education, (617) 242-7730.
- The Corporation for Business, Work, and Learning in Boston has developed an alternative graduation program called "Diploma Plus"

which includes graduation portfolios and exhibitions, alignment of assessment with state and local standards, and a strong school-to career component. Their "Implementation Manual" includes standards documents rubrics, and relevant articles regarding alternative assessments. Contact Alex Hoffinger at (617) 727-8158. Many other high schools, including Central Park East and the City on a Hill Charter School in Boston have developed similar systems.

## *QUESTION #4:*

## *How will we gather and monitor the necessary student performance information?*

Once you know what information you will need to collect, the challenge becomes one of doing the actual collecting in a way that minimizes paperwork while maximizing the available useful data for multiple audiences. Different charter schools have approached this problem in distinct ways. Some have chosen to stick with paper and pencil record keeping. Others are using relatively sophisticated information systems that allow them to track student assignments, performance (both academic and behavioral), attendance, etc. on the computer.

### Currently Available Reference Materials:

If this more "high-tech approach appeals to your school, you will want more information about what sort of software packages are available, the differences between them and what current users would recommend. Here are two available software options and the schools that are using them:

- The Academy of the Pacific Rim worked with a computer consultant to customize a Microsoft Access database (a popular piece of data management software) to suit their needs. What developed was a system that allows the school to both align and monitor teacher lesson plans, student performance data, and student behavior and skills taught with the school's student standards. For more details, call Stacey Boyd, Director (617) 361-0050.

- IMS - Community Day Charter School is using IMS, a proprietary database developed by the Modern Red Schoolhouse design team to track its student information. Call Joey Merrill at (508) 681-9910 for more information.

## *QUESTION #5:*

## *How will we set and measure progress toward school performance goals?*

Though student performance is perhaps the most important aspect of a charter school's mission, most also agree that it is critical for schools to be well-managed, fiscally solvent, and safe entices that are in compliance with all applicable laws and the terms of their charters. 1n addition to setting and monitoring student performance, charter schools need to be able to set school performance goals and monitor them in an appropriate fashion.

### Currently Available Reference Materials:

- Charter School Technical Advisory 97-1, Massachusetts Department of Education. A "must read," containing an overview of Massachusetts' student performance and school accountability oversight practices (www.pioneerinstitute.org/csrc/appd2.htm).

- "Minding the Charter Store: Accountability for Sound School Operations," Eric Premack/Charter Schools Development Center. This briefing paper outlines how California charter schools can address school performance matters, with a focus on operational issues. (Currently in draft form.)

- The Colorado League of Charter Schools is piloting a charter school "visitation and review" process whereby a team of experts (including charter folks) visit charter schools, interview staff, students, parents, and board members, and perform a broad based review of the school's operations and alignment with their charter. Call Jim Griffin, the League's director, at 303-989-5356 for more information.

- The Annenberg Institute is currently working in collaboration with the Boston Pilot Schools Network in Boston, MA to develop a system of school performance accountability. They have created several documents, including questionnaires for outside and inside evaluators, rubrics to assess the school's teaching and learning program and other aspects of the school's operations. They have plans to create a "How to Create a School Portfolio" guide over the next year. Contact Frank Barnes at the Annnenberg Institute for more information: (401) 863-7990, ext. 3642.

## *QUESTION #6: How will we use the student and school performance information we have gathered?*

In answering this question, you will want to consider the different audiences you want to reach and inform -- and the reasons you need to inform them. These may include (1) parents and students, (2) the chartering agency, (3) the broader public, and (4) teachers and school board members.

Some possibilities include annual reports that you can send to authorizers, teachers and parents ant informational brochures that you can use in recruiting and marketing. One school holds an annual "stakeholders meeting" that is structured much like a corporation's annual shareholders' meeting, where information regarding student and school performance is presented to the charter "community," including students, staff, parents, the media, and charter-granting agency staff.

In addition, schools and charter granting agencies need to develop mutually-agreeable processes for receiving, reviewing, monitoring, and discussing student and school performance data in a constructive and responsible fashion--and agree how this will relate to the charter monitoring, oversight, revocation, and renewal processes. This is especially important in states where charter-granting agencies have not been fully attentive to their monitoring responsibilities.

### Currently Available Reference Materials:

- "Charter School Technical Advisory 97-1," Massachusetts Department of Education, and "Guidelines for Developing a Charter School Accountability Plan,"Rosenblum Brigham Associates(www.pioneerin.stitute.org/hcrc/appd3.htm).
- "Building Accountability Into the Charter Contract (including suggested annual report outline)," Eric Premack/Schools Development Center. (Currently in draft form.)
- Forthcoming policies from Washington D.C.'s independent charter granting board, Boston School District Pilot School accountabilities process, and forthcoming policies from the Chicago Public Schools.

- For examples of well-laid out and effective annual reports and brochures, see:
    - City on a Hill Charter School, Annual Report
    - Garfield Charter School, Annual Report

## *Acknowledgements*

As noted above, a number of resource center directors and others made significant contributions to developing this resource guide. Those attending the two-day meeting convened by the Friends Network and other groups in February of 1998 were: Grace Arnold, Open Charter School, Los Angeles, CA; Stacy Boyd, Academy of the Pacific Rim, Hyde Park, MA; Ralph Brauer, Minnesota Association of Charter Schools, St. Paul, MN; Stella Cheung, Center for School Change, U of M, Minneapolis; Sharon Damore, consultant to the Chicago Public Schools, Chicago, IL; Cathy DeBoer and Bob DeBoer, New Visions School, Minneapolis, MN; Mary Gifford, Arizona Charter School Resource Center, Phoenix; Jim Goenner, Michigan Association of Public School Academies, Lansing, MI; Jim Griffin, Colorado League of Charter Schools; Bruce Hall, College of Education, USF, Tampa, FL; Connie Hines, College of Education, USF, Tampa, FL; Stephanie Jackson, Institute for At-Risk Children and Families, USF, Tampa, FL; Mark Kenney, Kauffman Foundation, Kansas City, MO; Ed Kirby, Massachusetts Department of Education, Boston, MA; Joan Lange, Challenge Foundation, Bonita Springs, FL; Carolyn Lavely, Institute for At-Rick Children and Families, USF, Tampa; David Mack, DC Public Charter School Board, Washington, DC; Karen Mann, Florida Charter School ssociation, Tampa, FL; Bruno Manno, Hudson Institute, Washington, DC; Joey Morrill, Community Day Charter School, Lawrence, MA; Shirley Monastra, Committee on Public Education, Washington, DC; Jennifer Nahas, Massachusetts Charter School Resource Center, Boston, MA; Joe Nathan, Center for School Change, U of M, Minneapolis, MN; Cathy Nehf, Walton Family Foundation, Boulder, CO; Eric Premack, California Charter Schools Development Center, Sacramento, CA; Jeremy Resnick, Charter School Project, Duquesne University, Pittsburgh, PA; Greg Richmond, Chicago School District, Chicago, IL; Jon Schroeder, Charter Friends National Network, St. Paul, MN; John Schultz, Minnesota New Country School, LeSueur, MN; Nancy Smith, New Twin Cities Charter School Project, Minneapolis, MN; Robin Steans, Leadership for Quality Education, Chicago, IL; Sarah Tantillo, New Jersey Charter School Resource Center, New Brunswick, NJ; Bill Windler, Colorado Department of Education, Denver, CO; Cathy Wooley-Brown, Institute for At-Risk Children and Families, USF, Tampa, FL; Cindy Zautcke, Wisconsin Charter School Resource Center, Milwaukee, WI.

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# The Massachusetts Charter School Initiative

## *Evaluation & Accountability Policy*

**Introduction**
Massachusetts charter schools are becoming the most accountable public schools in the Commonwealth. For the first time in the history of public education, public schools are being allowed to set their own high standards, demonstrate performance against those standards, and—here's the real difference—they will be closed down if they don't produce good results.

From the moment they open their doors to students, charter schools in the Bay State face virtually all of the same burdens and requirements as other public schools. They must, for instance, accept all students, including those with special needs. They also receive the same amount of money per pupil, administer the same tests, file the same reports, and are subject to most of the same regulations as regular public schools. And they must do all this without being given facilities or significant start-up funding. While these conditions ensure that charter schools operate under the same—if not even more challenging—circumstances as regular public schools, they are not what make charter schools accountable in the true sense of the word.

Real accountability can be recognized by looking for three necessary elements: worthy objectives, credible measures of progress toward those objectives, and consequences (both rewards and penalties) based on performance. Charter schools in Massachusetts have all three elements of accountability, although it is the possibility of real consequences that make charter schools the exception to the rule in public education, for they must prove themselves worthy of public money after five years or face extinction.

The question that follows, of course, is how does a school prove itself worthy of public money. While we are still working to refine the accountability process for Massachusetts charter schools, the decision of whether to renew a charter after five years will be based on a straightforward evaluation guided by three central questions:

1. **Is the academic program a success?** An affirmative answer would be based on evidence that the school has made reasonable progress in meeting internally established goals over four years, and that student performance significantly improved and/or is persistently strong on internal and external academic assessments.

2. **Is the school a viable organization?** Yes would mean that the school is financially solvent and stable, enrollment is stable and near capacity, school governance is sound, and professional staff are competent and resourceful.

3. **Is the school faithful to the terms of its charter?** If the school's program and operation are consistent with the terms of its charter, and if the school is within the bounds of essential statutory and regulatory requirements, then the answer will be yes.

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Because we want to answer these standard questions without trampling on the unique character and mission of each school, the Commonwealth is working with charter schools to develop an accountability contract for each school. This contract will describe clear, concrete and measurable school performance objectives. These objectives will reflect an emphasis on student achievement, but may also pertain to student attendance, parental satisfaction and participation, safety and order, mobilization of private resources, school environment, staff development, facility improvement, or fiscal management. Once the state's new standards, curriculum frameworks, and corresponding assessments are developed and approved, charter schools will incorporate them into their performance objectives and measures.

This accountability contract will also describe the measures the school will use to document progress toward those objectives, including credible student assessment tools for annually tracking student performance (including, but not limited to, standardized tests). Charter schools must report their objectives and progress toward them in the annual report due August 1st of each year (to be followed with a financial audit several months later).

In addition, charter schools will be subject to an annual site visit conducted by a small group of Massachusetts citizens who are not involved in the school, including one parent, teacher, school leader, business person, and public official. Visitors will tour the school and meet with the board of trustees, school director, teachers, students and others. The purpose these visits is to augment and verify the information contained in the annual report. Site visits will also help educate the general public about the charter school initiative and provide a charter school with critical feedback from a jury of objective peers.

At the end of five years, the Commonwealth will use the accountability contract, the annual progress reports, financial audits, and site visit reports in deciding whether to renew a charter. Charters will be renewed only for schools that have demonstrated good results.

The most important duty of the entity holding charter schools accountable is to keep the focus of evaluation on educational *results* and to guard against the all-too-natural inclination of government to focus instead on school inputs. A charter school should be judged primarily on the academic progress of its students, not by how much it pays its teachers or how well it complies with conventional educational practices and procedures.

Charter school leaders, despite an occasional (and understandable) grumble about the time-consuming reports they must file and the higher level of scrutiny they face, welcome the opportunity to be held accountable. It's what attracted them to the charter school initiative in the first place: the chance to have greater freedom in exchange for greater accountability.

This freedom-for-accountability exchange has the potential to utterly transform public education. With charter schools leading the way, perhaps the day is not far off when all public schools will be given the freedom charter schools enjoy in exchange for real accountability for results.

Scott W. Hamilton
*Associate Commissioner for Charter Schools*
*Massachusetts Department of Education*

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The Commonwealth of Massachusetts
Department of Education

350 Main Street, Malden, Massachusetts 02148-5023

# Charter Schools Technical Advisory
97-1[1]

DRAFT

FROM: Scott Hamilton, Associate Commissioner
TO: Charter Schools
DATE: February 12, 1997
SUBJECT: Charter School Evaluation

The Board of Education is obligated by Massachusetts General Law, Chapter 71, Section 89, and attendant regulations to conduct an ongoing review of charter schools and, by the fifth year of a school's operation, decide whether its charter should be renewed. This memo is to clarify the means by which the Department of Education will meet those obligations.

A decision of whether to renew a charter will be based on a simple and straightforward evaluation that is guided by three central questions:

**Is the academic program a success?**

- Has the school made reasonable progress in meeting internally established goals over its first four years of operation?
- Is student performance significantly improved and/or persistently strong on internal and external academic assessments?

**Is the school a viable organization?**

- Is the school financially solvent and stable?
- Is enrollment stable and near capacity?
- Is school governance sound and are professional staff competent and resourceful?

**Is the school faithful to the terms of its charter?**

- Are the school's program and operation consistent with the terms of its charter?
- Is the school within the bounds of essential statutory and regulatory requirements?

While we are interested in gauging the effectiveness of charter schools in relation to other public schools, when it comes to the evaluation and renewal of any one charter school, we are chiefly interested in its particular performance vis-à-vis its own stated goals and objectives.

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[1] This technical advisory is a revised and updated version of previously issued technical advisories 96-1 and 96-3

In order that the Board can fairly and accurately judge charter school performance against the evaluation criteria list above, each charter school must do four things:

1. Develop and pursue its own clear, concrete and measurable school performance objectives.
2. Measure and document progress toward those objectives.
3. Use credible student assessment tools for annually tracking student performance.
4. Report its objectives, progress toward them, and student assessment results, along with other required information, in its annual report.

What follows is a brief explanation of these requirements.

***Clear, Concrete and Measurable School Performance Objectives***
Because school success will be gauged by a school's progress over time in relation to its own goals and baseline measures, the Department is requiring each charter school to submit a plan that details the performance objectives it has set for itself and how its progress toward those objectives will be measured. Such objectives, which may already be in a school's charter but need elaboration, should reflect an emphasis on student achievement but may also pertain to student and staff attendance, parental participation, safety and order, mobilization of non-state resources, school environment, staff development, plant improvement, fiscal management, and the like.

This accountability plan must comprise the demonstrable indices of educational effectiveness by which a school wants to be held accountable by the Board of Education. The plan should spell out concrete, quantifiable and objective indicators for as many as possible of its performance objectives and supply baseline data against which progress can be tracked. Charter schools in their first year of operation should submit plans no later than six weeks before the due date of their first annual reports. A portion of a new school's federal charter school grant may be used for the purchase of consulting services to help them develop and refine such measures and objectives.

***Credible Student Assessment***
Students in charters schools must, according to M.G.L. c.71, s.89, "meet the same performance standards, testing, and portfolio requirements set by the board of education for students in other public schools." When public schools are required to administer the new Massachusetts Comprehensive Assessment System, currently scheduled for Spring of 1998, charter schools, which are public schools, also will be required to administer them. Charter schools serving third-graders will administer a reading test, starting this May, which the Board of Education is requiring of all public schools.

As listed previously, charter schools are also required to employ other credible student assessment tools for measuring student performance annually. Each school may determine for itself which kind of student assessment tools to use, but the Department will insist that every school be able to provide credible evidence of the academic progress of its students. At minimum, this means schools should establish baseline data in the first year of operation and use corresponding assessment tools every year thereafter during the life of the charter.

It is imperative that citizens, parents, taxpayers, and educators of the Commonwealth have evidence as to the comparative effectiveness of charter schools in academic achievement, and therefore it is desirable that some comparable achievement data be gathered. To this end, each charter school should, on a regular cycle, administer to its students some widely recognized, norm-referenced standardized test of academic achievement in core subjects–one that lends itself to the comparison of results. As a part of this assessment, charter schools should consider using whichever test the surrounding district uses.

### *The Annual Report*

The evaluation described in this memo will be based primarily on information provided by charter schools in the annual report state law requires them to submit to "the Board, to each parent or guardian of its enrolled students and to each parent or guardian contemplating enrollment in that charter school."

This annual report should be the vehicle for conveying most if not all information by which a charter school is evaluated. State regulations (601 CMR 1.00) specify that the annual report should include:

(a) a financial statement setting forth by appropriate categories the revenue and expenditures for the year just ended, and a balance sheet setting forth the charter school's assets, liabilities, and fund balances or equities;
(b) projections of income and expenses for the upcoming school year;
(c) discussion made toward the achievement of the goals of the charter;
(d) such other information as the Board may require in guidelines.

As a part of these four required components, the annual report should provide relevant data the Board may need to evaluate a school's progress toward its own objectives, as well as all information needed to determine answers to the aforementioned questions: Is the academic program a success, is the school a viable organization, and is the school faithful to the terms of its charter? Attached is a list of specific elements that should be included in the annual report.

### *Financial Information*

Charter schools are required to provide detailed financial information about their operation primarily because of their duty—and the Commonwealth's—to demonstrate that public funds have been devoted to uses that are faithful to the public trust. This information, as painstaking and time-consuming as it is to collect and report, will also put charter schools beyond reproach and will serve to instruct others on alternative means by which public funds can be spent in order to help students learn to high standards.

Three main financial reporting requirements befall charter schools:

1. Annual Report (due August 1). As described in the preceding section, charter schools must provide a financial statement called for by statute in the annual report. This report may be completed using the same categories described in the Pupil and Financial End of Year Report.

2. Pupil and Financial End of Year Report (due September 15). This report is submitted by all school districts in the Commonwealth. Not all sections and categories apply to charter schools.

3. Year-End Audit (due October 15). This audit should be conducted by a CPA for the preceding state fiscal year following generally accepted accounting procedures and those prescribed by federal rules (OMB Circular A-128).

### *Annual Site Visits*

The purpose of annual site visits is to augment and verify the information contained in the annual report. Site visits, which begin in the second year of a charter school's operation, will also help educate the general public about the charter school initiative and provide a charter school with critical feedback from a jury of objective peers.

These day-long site visits will be led by the Department of Education and will be conducted by a small group of Massachusetts citizens who are not involved in the school, including one parent, teacher, school leader, business person, and public official. Visitors will tour the school and meet with the board of trustees, school director, parents, teachers, students, and others.

In advance of their visit, the group's members will receive the school's annual report , the school's accountability plan, and a profile of the school. They will also meet together–either in person or by conference-call–to discuss the visit. Upon conclusion of a site visit, Department will draft a report, reviewed by the team members, that will be sent to the school and will become a part of charter school's file.

At the end of five years, the Commonwealth will use the accountability contract, the annual progress reports, financial audits, and site visit reports in deciding whether to renew a charter. Charters will be renewed only for schools that have demonstrated good results.

Attachment: Charter School Annual Report Guidelines

# Charter School Annual Report Guidelines

The report the Commonwealth requires charter schools to issue annually is an opportunity for each school to document its objectives and accomplishments for the year. It can also serve as a prospectus that illustrates the unique value the school offers its students and parents. Since no two charter schools are the same, the format of this annual report may vary by school.

The information listed below, however, must be included in the annual report, unless otherwise noted. It reflects the requirements stipulated in M.G.L. c.71, s.89, 601 CMR 1.00, and DOE Technical Advisory 976-1 regarding the evaluation of charter schools. Moreover, the annual report should convey additional information that would be useful to the Board when, by the fifth year of a school's operation, it must determine whether the academic program is a success, whether the school is a viable organization, and whether the school is faithful to the terms of its charter.

Please note, each charter school must submit its annual report to the Board of Education--and make it available to each parent or guardian of its enrolled students, and to those contemplating enrollment in that charter school--no later than August 1st of each year.

## *School Performance*

- Description of measurable school performance objectives
- Documentation of progress toward those objectives
- Description of student assessment tools and process
- Summary of student assessment results (by grade and subject, including baseline test data for incoming students)
- Summary of mandated student assessment results
- Summary of alumni placements, if applicable
- Description of school accomplishments
- Summary of official complaints received by the Board of Trustees
- Number of applications received (by grade and residence)
- Number of students on waiting list (by grade and residence)

## *Factual Information*

### 1. Mission Statement

### 2. School Program

- Grade and age levels served
- Description of eligibility requirements and admissions process (including deadline for submitting applications and contact for interested parents/students)
- Brief summary of curriculum design and teaching method (including approach to special and bilingual education.)
- Graduation/promotion requirements
- Student/teacher ratio
- School calendar and hours of operation

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### 3. Finance

- A financial statement setting forth by appropriate categories the revenue and expenditures for the year just ended
- A balance sheet setting forth the charter school's assets, liabilities, and fund balances or equities
- Projections of income and expenses for the upcoming school year
- Average cost per student (total annual tuition revenue divided by FTE enrollment)

### 4. Governance

- Board of trustees (name and affiliations)
- Board committees and members
- Advisory committees and members (names and affiliations)
- Summary of recorded votes during past years
- Meeting schedule for upcoming year

### 5. Staff

- Name of headmaster/principal
- Name of business manager (if applicable)
- Number of teachers and aides (by category, if applicable)
- Summary of teacher qualifications (experience, degrees, etc.)
- Staff turnover data

### 6. Student Characteristics

- Number of students
- Demographics (by race, ethnicity, gender and residence)
- Percentage of LEP students
- Percentage of special needs students (those with IEPs and others)
- Percentage of students qualifying for free or reduced school-lunch program

**Recommended but not required are descriptions of:**

- Expectations for parent involvement
- After-school and extra-curricular programs
- Library resources
- Computer/technology resources
- Community/business/university partnerships
- Transportation and food service
- Professional development activities
- Staff evaluation procedures
- School ethos
- Use of non-state resources
- Volunteer participation/hours

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# GUIDELINES FOR PREPARING A CHARTER SCHOOL ACCOUNTABILITY PLAN

Prepared for:
The Massachusetts Department of Education
Charter School Office

January 1997

# GUIDELINES FOR PREPARING A CHARTER SCHOOL ACCOUNTABILITY PLAN

## I. INTRODUCTION

### Why Accountability?

In granting charters to a number of schools, the Commonwealth of Massachusetts enabled these schools to pursue their missions free from several state regulations. However, along with deregulation, the Commonwealth also stated high expectations for accountability from its charter schools. The Secretary of Education mandated that each school submit an Accountability Plan at the end of its first year of operation and state progress annually thereafter in Annual Reports. The Accountability Plan, which constitutes a contract between the school and the state, establishes the criteria by which the state will hold the school accountable over the life of its charter. According to Technical Advisory 96-1, which lays out the terms of accountability, each charter school must do four things:

- Develop and pursue its own clear, concrete, and measurable school performance objectives;
- Measure and document progress toward these objectives;
- Use credible student assessment tools for annually tracking student performance; and
- Report its objectives, progress toward them, and student assessment results, along with other required information in its annual report.

Although the emphasis of the Accountability Plan tends to be on accountability to the state, the Plan can also have multiple uses for the school and community, such as: accountability to the school community; a tool for continuous improvement, based on information, data, and feedback; and a means of proving success. Developing the plan is an opportunity for the school to revisit its mission and its objectives with the school community. It may be helpful, although it is not necessary, to use an outside facilitator to guide the school through this process.

### Structure of This Document

This document provides guidelines to help Charter Schools prepare their Accountability Plans, using a common format. The table below shows the contents.

| Topic | See Page(s) |
|---|---|
| Accountability Plan Common Format | 2 |
| Accountability Questions and Operations | 3 |
| Accountability Plan Elements: Explanations, Clues, Examples | 4-9 |
| Accountability Work and Example Sheets | 10-13 |

## II. ACCOUNTABILITY PLAN COMMON FORMAT

The Accountability Plan Format is organized around Measurable Performance Objectives, including both Student Performance Objectives and School Performance Objectives. For each objective: there are expectations; strategies for attainment; progress indicators; measurement tools; and a description of current status. The format of the Plan looks like the outline below.

### MEASURABLE STUDENT PERFORMANCE OBJECTIVES

STUDENT PERFORMANCE OBJECTIVE #1

Expectation(s)[1]

Strategy(ies) for Attainment

Progress Indicators

Measurement Tool

Current Status

STUDENT PERFORMANCE OBJECTIVE #2

(Etc.)

### MEASURABLE SCHOOL PERFORMANCE OBJECTIVES

SCHOOL PERFORMANCE OBJECTIVE #1

Expectation(s)

Strategy(ies) for Attainment

Progress Indicators

Measurement Tool

Current Status

SCHOOL PERFORMANCE OBJECTIVE #2

(Etc.)

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[1] Expectations for student academic performance are often expressed as standards of what students should know and be able to do.

## III. ACCOUNTABILITY QUESTIONS AND OPERATIONS

The development of an Accountability Plan is part of an ongoing cycle of planning (what are we going to do?); action (doing it) and reflection (how well did we succeed and what do we need to change?), which takes place within a school. This cycle is perpetual; reflection leads to revising plans and actions as a school moves toward achieving its objectives. The Accountability Plan is a tool for planning, action and reflection, since each of the common format elements answers one of the key questions that guide the cycle. On the list below, the key questions are tied to the Accountability Plan operation that best answers it.

| QUESTIONS FOR PLANNING, ACTION AND REFLECTION | ACCOUNTABILITY PLAN OPERATIONS |
|---|---|
| • Where do we want to go? | Defining measurable performance objectives for students and school. |
| • What do we want to achieve? | Setting academic and non-academic expectations. |
| • How will we get there? | Identifying strategies for attainment of objectives. |
| • How will we know we are making progress? | Defining progress indicators. |
| • What will we use to measure our progress? | Identifying measurement tools. |
| • Where are we now? | Describing current status. |

After the first year's Accountability Plan is submitted and approved, "current status" will become part of a school's Annual Report, which is due to the state August 1 each year.. Thus, examining current status can become the basis for annual reflection on the school's progress towards its objectives. The following reflective questions may be appropriate: Have we come far enough this year? Can we demonstrate our progress in a credible way to those outside of the school? If not, do we need to reconsider the strategies we are using to reach the objectives? Have the strategies been adequately implemented? Do we need to revise the strategies, re-examine our progress indicators, or think again about how to measure results?

## IV. PLAN ELEMENTS: EXPLANATIONS, CLUES, EXAMPLES

### Performance Objectives for Students and Schools

Schools must include at least one objective for students and one performance objective for the school. Most schools have more. At least one student performance objective must be academic; there may be non-academic objectives as well if they are important to the mission of the school. Performance objectives answer the question: *Where do we want to go?*

#### Explanation of Performance Objectives

Performance objectives are the ultimate expectations for achievement and are always keyed to the unique elements of the school's charter. Each objective must be stated in measurable terms, but all performance objectives may not be achieved within the five year period of the charter. The state will consider progress over time in evaluating schools.

Developing performance objectives requires thinking about unique elements of its charter and mission. Think of setting student performance objectives in terms of, "If this school succeeds, then students will..."

#### Cues and Clues

- Student performance objectives are often phrased "All students will...
- Comparisons of student achievement should be made in terms of student growth over time or in terms of national norms, rather than with students in the district in which the charter school is located. A statement such as "Graduating students will perform at the same level as students graduating from the other Jonestown public schools," is not a valid performance objective because the two student populations are not comparable."

The examples below are illustrative ideas.

#### Examples[2]

Student Academic Performance Objective: *Students will be prepared for college through proficiency of key subjects in a core curriculum, which is defined as mathematics, science, and English.*

Student Non-academic Performance Objective: *All students will learn citizenship through taking responsibility and working in teams.*

School Performance Objective: *The school will be a viable organization in terms of resources, enrollment, and parent perception.*

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[2] This is the beginning of continuing examples that will be followed throughout the format elements. See pages 11 and 12 to see the examples in their entirety.

# Expectations

Expectations are more specific expression of performance objectives, stated in measurable terms. Each objective must have at least one expectation attached to it, which is attainable during the five years of the charter. Expectations answer the question: *What do we want to achieve?*

## Explanation of Expectations

Expectations of student academic performance state what students should know and be able to do in specific measurable terms. When referring to non-academic student performance objectives or school performance, the term expectations denotes what is reasonably anticipated.

Developing expectations requires "setting the bar at a high level," but one that is attainable. Think of setting expectations by asking questions such as "How many students can we really expect to reach our desired level of performance in the amount of time that they are attending this school?"

## Cues and Clues

- Expectations should be measurable within the five year period of the charter.
- Expectations are often expressed quantitatively, such as "90 percent of students will achieve proficiency..." or "75 percent of graduating students..." or "By the year 2001, all students..."
- Expectations are stronger if they include a phrase that states how they will be achieved. For example, "Ninety percent of students will achieve a score of *excellent* on their exhibitions, using the rubric[3] in Appendix A.

Expectations are always tied to specific performance objectives as in the examples below.

## Continuing Examples

Student Academic Expectation: *100 percent of students are expected to meet both annual and exit objectives, determined in an individual education plan. An IEP example appears in Appendix A.*

Student Non-Academic Expectation: *All students will become academic or non-academic prefects (or role models ).*

School Expectation: *The school will add a grade each year, meet enrollment projections, and maintain a waiting list.*

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[3] Rubrics should state the rules for judgement. For example, in exhibitions, the rubrics would state the specific student competencies that the exhibitions demonstrate.

## Strategies for Attainment

- Strategies are means that a school uses to meet its objectives. Strategies answer the question: ***How will we get there?***

### Explanation of Strategies

Strategies are the means, methods, and approaches by which expectations and performance objectives are met. Many strategies are academic, but they may also be behavioral and some may involve parents and community.

Developing strategies entails examining the performance objectives and thinking about the ways that they will be achieved. Think in terms of, "In order to achieve this objective, we will use or develop these methods, instructional techniques, and/or materials."

### Cues and Clues

- Performance objectives are ends; strategies are the means to the end.
- Several strategies may be needed to attain a single performance objective and strategies may serve more than one objective.
- The following is a list of frequently used strategies: specific curricula or texts; instructional approaches; student grouping; individualized learning plans; teacher professional development; outside experts in the classroom; student dress or behavior codes; periodic town meetings.

There are many strategies charter schools use to meet their objectives. The examples below are illustrative.

### Continuing Examples

School Academic Performance Strategy: *Use quality core curricula, such as Reading Recovery and University of Chicago School Mathematics Project.*

Student Non-academic Performance Strategy: *Students achieving proficiency serve as academic prefects who tutor other students. Students may also serve as non-academic prefects with responsibility for organizing certain projects or areas.*

School Performance Strategy: *The school will hold parent meetings in order to establish and reach consensus on expectations parents hold for student performance.*

## Progress Indicators

Progress Indicators are the signposts along the road toward meeting expectations and achieving performance objectives. Progress Indicators answer the question: *How do we know we're making progress?*

### Explanation of Progress Indicators

Progress Indicators are measurable interim accomplishments that must be achieved in order to meet the expectations. For every student performance objective, it is necessary to have Progress Indicators; they are not always necessary for school objectives. Progress Indicators are annual verification that cumulative progress is being made toward objectives.

Developing progress indicators requires thinking about the educational process and how it can be measured. Think about issues such as "Where do we need students to be at the end of each grade to meet our expectations at graduation?"

### Cues and Clues

- Progress indicators must be measurable. They are often stated quantitatively.
- Wherever possible, progress indicators should allow external validation.
- Progress indicators may use such words as "each year," or "at the end of two years," or they may refer to "increase" or "student progress after one year in the school"
- A single performance objective may have several progress indicators.

Progress indicators relate to expectations and performance objectives, as in the examples below.

### Continuing Examples

Student Academic Performance Progress Indicators: *Annual increase in the number of students meeting expectations, according to standardized tests results and performance based measures.*

Student Non-academic Performance Progress Indicator: *Annual 5 percent increase in the number of students becoming academic and non-academic prefects each year.*

School Performance Progress Indicator: *Annual 10% increase in applications by students and teachers; annual increase or status quo in waiting list; 20% annual increase in parent activities.*

## Measurement Tools

Measurement tools are the proof of success and answer the question: *How will we know we got there?*

### Explanation of Measurement Tools

Measurement tools are the means used to evaluate progress toward performance objectives. Most schools use multiple tools for measuring student and school performance both for planning within the school and for demonstrating success to others. The key elements of any measurement tool are objectivity and credibility.

Describing measurement tools requires thinking about the best sources of evidence that are available to prove that the school is making progress toward its performance objectives. Think of including measurement tools that meet a criterion of "This tool will prove to insiders and reasonably informed outsiders that we are accomplishing our objectives."

### Cues and Clues

- Subject all measurement tools to the questions: Is this credible? Is this objective?
- Any of the following are acceptable measurement tools: standardized tests; district tests; exhibitions of proficiency and/or portfolios, as long as they are accompanied by credible rubrics; outside juries or judges; changes in discipline referrals, school attendance, drop out rates; rate of students attending two or four year colleges.
- Standardized tests are not the only measurement tool for judging student achievement, but the results are extremely credible to outsiders.

It is important that each performance objective be measured by some tool that indicates demonstrable progress. The examples below give some illustrative ideas.

### Continuing Examples

Student Academic Performance Measurement: *Pre and Post Iowa tests for all students. Use of the MEAP in grades four and eight, report cards, final examinations in English and mathematics. Performance based assessments in science..*

Student Non-academic Performance Measurement: *Students will earn Student Life Points through serving as prefects. These points will be tallied at the end of the year to show student progress toward becoming prefects.*

School Performance Measurement: *Parent and teacher surveys, enrollment records, teacher applications, number of students on waiting list.*

## Current Status

A report of current status is closely tied to progress indicators, which are described on an earlier page. The report of current status answers the question: *Where are we now?*

| Explanation of Current Status |
|---|
| Current status tells where the school is, in measurable terms, at the end of each academic year in meeting its objectives. In the Accountability Plan, a school may report baseline data as the current status. |

Appraising current status requires honestly facing up to success and failure and saying, "This is where we are."

| Cues and Clues |
|---|
| • At the end of the first year current status is generally baseline, such as student scores on standardized tests at the time they enter the school. Baseline data means the status of performance before the charter school has had any effects. It says "We're starting here."<br>• After the first year, current status is tied to progress indicators. For example, If the progress indicator is that at the end of the fifth grade, all students will complete journals, then the current status report might say "90% of students completed journals; the others have signed contracts to complete them by September." |

The examples below give some illustrative ideas for reporting current status.

| Continuing Examples |
|---|
| Current Status of Student Academic Performance: *(Baseline Data) As of Sept. 1996, 62 percent of students were below grade level in mathematics and 56 percent below grade level in reading.*<br>Current Status of Student Non-academic Performance: *All teachers are trained and are training students in the prefect system.*<br>Current Status of School Performance: *In 1995, we opened as a K-7 school; in 1996 we will open as a K-8 school. There were 150 teacher applications at the time the school opened. The number of students on the waiting list is currently 53.* |

## V. WORK AND EXAMPLE SHEETS

The following pages are intended to help in the process of moving from understanding Accountability Plans to developing one. The first part of this section is an annotated worksheet, containing words and phrases that may be used to express the elements of the Plan. The second part of the section shows how an Accountability Plan really looks. Using the same basic examples that have been used in the previous pages and presents them in an integrated and sequential way. Like a real Accountability Plan, it contains multiple expectations, strategies, performance indicators, measurement tools, and expressions of current status. Note how brief the plan is. An Accountability Plan is expected to be no more than 10-12 pages, including a very brief introduction describing the mission and key features of the school. All supporting documentation, including rubrics, samples of tests and student work should appear in appendices.

### Annotated Worksheet

The following worksheet is annotated to provide some guidance in developing an Accountability Plan.

Student Performance Objective. Students will (achieve, master, be successful at) (core curriculum subjects, basic skills, higher order thinking skills.)

Expectations

- ___ percent of students will attain____ level of proficiency in ________ at (graduation.)
- ___ percent of graduating students will achieve_______ as shown by______.

Strategy(ies) for Attainment

- A curriculum will be (developed, adopted) that________________________________

Progress Indicators

- (_____Number, percent) of (all, grade 6) students who are expected to perform at or above grade level (according to the___________________)
- Increased achievement shown by (Report card or Individualized Education Plan or written reports by teachers) at the end of grades______

Measurement Tools

- _____________ standardized test administered at grade levels _____________
- (Exhibitions, portfolios), scored by rubrics (developed, adopted) at grade levels _________________.

Current Status

Diagnostic Placement Tests) used with all students at admission show that ______ students are performing (above, below) grade level in _______ (core curriculum subjects)

## Complete Examples by Performance Objectives

STUDENT ACADEMIC PERFORMANCE OBJECTIVE *Students will be prepared for college through proficiency of key subjects in a core curriculum, which is defined as mathematics, science, and English.*

### Expectations

- *100 percent of students are expected to meet both annual and exit objectives in core subjects, determined in an individual education plan. An IEP example appears in Appendix A.*
- *75 percent of students will score at the level of 750 or above on the PSATs.*

### Strategies

- *Use of quality core curricula, such as Reading Recovery and University of Chicago School Mathematics Project.*
- *Special classes after school will offer students additional preparation for the PSATs.*
- *IEPs will be reviewed with parents, students, and teachers at least once a year.*

### Progress Indicators

- *Annual increase in number of students meeting expectations, according to standardized tests results and performance based measures.*
- *The number of students who choose to take the SATs each year.*

### Measurement Tools

- *Pre and Post Iowa tests for all students. Use of the MEAP in grades four and eight, report cards. Final examinations in mathematics and English at every grade level. Performance based assessments in science at grade six.*
- *Surveys will be sent to graduates who reach college asking them to rate their preparation.*

### Current Status

- *(Baseline Data) As of Sept. 1996, 62 percent of students were below grade level in mathematics and 56 percent below grade level in reading. A baseline for science is being established.*
- *57 percent of students have signed up for the special after school SAT preparation classes at the time they enrolled in the school.*
- *IEPs have been completed with all entering students and reviewed with parents.*

STUDENT NON-ACADEMIC PERFORMANCE OBJECTIVE *All students will learn citizenship through taki responsibility and working in teams.*

Expectations

- *75% of students will become academic prefects during their years in this school.*
- *100% of students will become non-academic prefects during their years in the school*

Strategies

- *Students will study in teams headed by an academic prefect who will provide academic leadershi*
- *Student government will include specific training in citizenship.*

Progress Indicators

- *Yearly increase in the percent of students becoming academic and non-academic prefects.*
- *10% annual increase in number of students engaged in student government.*

Measurement Tools

- *Students will earn Life Points, which will show progress by each student in citizenship.*
- *Annual student survey on aspects of citizenship and responsibility. See sample survey in Appendi A.*

Current Status

- *All teachers are trained and are teaching students the elements of the system.*
- *A student government handbook has been developed and is being incorporated into the social studies curriculum.*

SCHOOL PERFORMANCE OBJECTIVE *The school will be a viable organization in terms of resources, enrollment and parent perception.*

## Expectations

- *The school will add a grade each year, meet enrollment projections, and maintain a waiting list.*
- *50% of funds needed for expansion will be raised by parents working with school administrators.*
- *80% of parents will be involved in some kind of parent activity.*

## Strategies

- *The school will hold parent meetings in order to establish and come to consensus on parents' expectations for student achievement.*
- *A professional fund raiser will be brought in as a consultant to parent groups.*
- *New and additional parent activities will be added each year, based on the interests of parents.*

## Progress Indicators

- *Annual 10% increase in applications by students and teachers; annual increase or status quo in waiting list.*
- *Annual 20 percent increase in number of parents taking part in parent activities.*

## Measurement Tools

- *Parent and teacher surveys, teacher applications, number of students on waiting list.*
- *Amount of money raised by parents.*

## Current Status

- *In 1995 we opened as a K-8 school. There were 150 teacher applications at the time school opened. The number of students on the waiting list is 53.*
- *We have held initial conversations with a fund raising consultant and some parent leaders.*

# Annual Site Visit Protocol for Charter Schools

Charter schools are the most accountable public schools in the Commonwealth because they must demonstrate good results within five years or lose their charter. Annual site visits of charter schools are one of the means the Department of Education will use to document each school's accomplishments.

As with all other elements of the accountability process, site visits will be guided by three central questions:

1. **Is the academic program a success?** An affirmative answer would be based on evidence that the school has made reasonable progress in meeting internally established goals over four years, and that student performance significantly improved and/or is persistently strong on internal and external academic assessments.

2. **Is the school a viable organization?** Yes would mean that the school is financially solvent and stable, enrollment is stable and near capacity, school governance is sound, and professional staff are competent and resourceful.

3. **Is the school faithful to the terms of its charter?** If the school's program and operation are consistent with the terms of its charter, and if the school is within the bounds of essential statutory and regulatory requirements, then the answer will be yes.

Because we want to answer these standard questions without trampling on the unique character and mission of each school, the Commonwealth is working with charter schools to develop an accountability contract for each school. This contract will describe clear, concrete and measurable school performance objectives. These objectives will reflect an emphasis on student achievement, but may also pertain to student attendance, parental satisfaction and participation, safety and order, mobilization of private resources, school environment, staff development, facility improvement, or fiscal management.

This accountability contract will also describe the measures the school will use to document progress toward those objectives, including credible student assessment tools for annually tracking student performance. Charter schools report their objectives and progress toward them in the annual report due August 1st of each year.

The purpose of annual site visits is to augment and verify the information contained in the annual report. Site visits will also help educate the general public about the charter school initiative and provide a charter school with critical feedback from a jury of objective peers.

These day-long site visits will be led by the Department's Charter School Office and will be conducted by a small group of Massachusetts citizens who are not involved in the school, including one parent, teacher, school leader, business person, and public official. Visitors will tour the school and meet with the board of trustees, school director, teachers, students and others.

In advance of their visit, the group's members will receive the school's annual report , the school's accountability plan, and a profile of the school. They will also meet together -- either in person or by conference-call -- to discuss the visit.

# *Annual Site Visit Protocol for Charter Schools*

## Format

| Time | Category | Duration | Notes |
|---|---|---|---|
| 8-9:30 | Board of Trustees | 1 hour | A representative group is sufficient; all board members need not be present. |
| 9:30-10:30 | School Director and Tour of Facility (meet with library, media, health, finance personnel) | 1 hour | Orientation and discussion, after which some team members may visit classrooms, with others talking with staff, e.g. library, health and finance personnel. |
| 10:30-11:30 | Students | 1 hour | Six students with samples of their best work about which they are prepared to talk. (Younger students may be accompanied by a teacher.) Some team members may continue classroom visits. |
| 11:30-12:30 | Teachers & Staff*<br>Parents* | 1 hour | Three-to-six teachers from various grade levels and disciplines; Three-to-six parents. |
| 12:30-2:00 | Site Visit Team | 1.5 hours | Conversation about the team's opinions, observations and conclusions. |
| 2:00-3:00 | School Director | 1 hour | Wrap-up meeting to discuss the team's observations. |
| | | **Total = 6.5 hours** | |

*The schedule will be coordinated by the school. The order is not critical and can be adapted to fit the needs of the school.*

* These meetings may be held concurrently.

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# *Annual Site Visit Protocol for Charter Schools*
## Essential Questions

***Is the academic program a success?***

- Is the school's curriculum based on high academic standards, both in terms of content and performance?
- Has student performance improved or been persistently strong on internal and external assessments?

***Is the school a viable organization?***

- Are the school's purposes and objectives clear and thoroughly understood by those connected with the school--governing body, professional staff, students, and parents?
- Is the school safe?
- Are the physical facilities adequate for the program of the school?
- Does the school have appropriate controls and procedures for the management of financial resources?
- Professional staff members are qualified by training and/or experience in the areas to which they are assigned?
- Does the school have an effective governance structure and administrative organization for carrying out the purposes and objectives of the school?
- Are parents satisfied with the performance of the school?

***Is the school faithful to the terms of its charter?***

- Do the school's curriculum, program, and activities seem consistent with essential legal and regulatory requirements?
- Is the school becoming the school it promised to become in its charter?

# *Annual Site Visit Protocol for Charter Schools*
## Interview Questions

### BOARD OF TRUSTEES

- Describe the school's mission and purposes.
- Describe this school as you might at an informational session.
- Describe the roles and responsibilities of the board.
- How do you know your school's academic program is successful?
- Describe a recent policy decision made by the board. How was the matter initiated and by whom? What was the procedure used by the board? What was the decision? How was this action made known to those affected?
- How does the board evaluate the performance of the school leader? How are their conclusions transmitted to him and by whom?
- What is the policy of the board regarding possible conflict of interest between a board member in his role as a member of that body and in his business or professional role?
- What are the school's greatest accomplishments and challenges?
- What did you learn last year that you have been able to use to your advantage this year?
- Is there information not presented in the annual report that you think is of particular importance to the team?

### SCHOOL DIRECTOR

- What is the mission of the school?
- Is the mission clear and understood by those connected with the school: trustees, staff, parents, and students?
- Describe the school as you might at an informational session.
- Describe the decision-making process in the school.
- Describe your relationship with the board of trustees.
- What are your school's budget and financial control procedures?
- Describe the school's curriculum, with examples of content and performance standards for key grade levels.
- How did students perform in your first year? Please refer to specific test scores, attendance records, etc.?
- How is the progress of each student evaluated?
- What are the school's greatest accomplishments and challenges?
- What did you learn last year that you have been able to use to your advantage this year
- Is there information not presented in the annual report that you think is of particular importance to the team?

## TEACHERS

- Describe the school's mission and purposes.
- Describe the school as you might at an informational session.
- What training and experience do you bring to your position?
- What do you value about teaching at this school?
- What is unique about this school's philosophy or approach?
- What are your goals for your students?
- How are this school's expectations communicated to teachers?
- How do you assess each student's needs, work, and progress?
- What kinds of curriculum planning and coordination occur at the school level?

## STUDENTS

- How old are you and what grade are you in?
- How would you describe this school to a friend?
- Where did you go to school before you came to this school?
- Are you a better student than you were at your previous school?
- Do you have more or less homework than your previous school?
- How safe is your school?
- How are your teachers?
- Explain the assignment that you have brought with you?
    - How long did it take you?
    - What kind of help did you get?
    - What changes did you make?
    - What did you like about this assignment?
    - What did you learn by doing this project/assignment? Explain.

## PARENTS

- How many children do you have at the school? How old are they?
- Why did you choose to send your child(ren) to this school?
- What do you understand the school's mission to be? How would you describe the school to a neighbor?
- Where did your child(ren) attend school previously? How active are you in this school as compared to your child(ren)'s previous school?
- How would you evaluate the safety of this school?
- How would you assess your child's interest in learning?
- What is this school's greatest strength and greatest weakness?
- What do you consider the most important knowledge and skills your child should acquire? How is the school meeting this challenge?
- Are your family's expectations of the school being met?

Note This protocol was developed in consultation with the Hudson Institute, National Association of Independent Schools, New England Association of Schools and Colleges, Inc., Performance Assessment Collaboratives for Education, and Pioneer Institute for Public Policy Research

# Section (f)
# Plan for Pupil Performance Evaluation, Types of Assessments, Timeline, and Procedures for Corrective Action

Pursuant to Colo. Rev. Stat. Section 22-30.5-106(1)(f) the Academy's board of directors submits the following description of its plan for evaluating pupil performance, the types of assessments that will be used to measure pupil progress towards achievement of the Academy's pupil performance standards, the timeline for achievement of such standards, and the procedures for taking corrective action in the event that pupil performance at the Academy falls below such standards.

## I. Pupil Performance Evaluation, Types of Assessments and Procedures for Corrective Action

### A. Evaluation Plan

As noted in section (b) each spring, all of the Academy's students will take a battery of standardized tests. The Academy has established a goal of a 5% annual increase in median scores in all subject areas. The Academy's goal is to achieve an average median attainment level of 80% in all subjects for all grade levels. The learning disabled would be exempted from the standards, and standards relevant to individual situations would be adopted in their place. Such exemptions would become part of the information exchange with the District and be included in all reports. Attainment may be demonstrated by oral examination, written examinations, writing samples, audio recordings, artistic renderings, or any combination of these examples.

Per the time line attached as Appendix D, annual evaluation reports of standardized tests will be submitted to the District as well as an initial baseline evaluation based on the standardized test methods currently in use by the District. A comparative analysis of goals established and goals achieved will be presented in the evaluation as well. The District will assume all costs associated with testing and retain individual copies of test results as is the practice with other public schools in the District.

### B. Corrective Action

As a part of the ongoing instructional process, teachers will identify any student who begins to fall below accepted levels of achievement. If a student is identified as beginning to fail, then a three step process will be initiated to remedy the problem.

1. The classroom teacher will assess the problem and begin a remediation program that will include, but not limited to, additional instructional time with the teacher or an aid, labs, at-home or after-school work. If achievement has not improved, then the teacher will seek further assessment of the problem in step two.
2. If the classroom teacher has attempted to remediate the achievement of the student and little or no success has been gained, then the student will be referred to a Special Education Teacher. The Special Education Teacher will work in concert with the classroom teacher in identifying the learning problem and creating a remediation strategy for that student. If achievement has not improved, then the teaching team will refer to step three.
3. If the student continues at an unacceptable level of achievement, then the student will be referred to the County Assessment Team for assessment and diagnosis. The school will then follow the remediation plan set forth by the County. If the remediation requires a service that the Academy cannot provide, then it will be recommended that the student go to the place best able to provide the service needed. If the student has to leave the Academy, they will have the opportunity to return to the school when the special services are no longer required.

## II. Timeline

A timeline for performance evaluations is set forth in Appendix D.

# Day 5

## Regulatory Issues

Session A: Special Education Issues
Session B: Federal Regulatory Issues
Session C: State Regulatory Issues

## Establishing the Organizational Vision

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# Regulatory Issues

**Key Issues:**

1. Special education issues
2. Federal regulatory issues and civil rights
3. State and local regulatory issues
    a. Health and safety
    b. Zoning and other regulations

**Goal:** Participants will receive an overview of pertinent regulatory issues

**Instructional Resources:**

U.S. Department of Education. (1997). Questions and Answers: Application of Federal Civil Rights Laws to Public Charter Schools. (Draft).

Federal legal issues regarding charter schools.

U.S. Department of Education. (1998). Nonregulatory Guidance: Allocations to Public Charter Schools Under Title 1, Part A of the Elementary and Secondary Education Act.

Lange, C. M. (1997). Charter schools and special education: A handbook. Year 3 deliverable #5-3-3 Contract no. HS92015001. Prepared for: U. S. Department of Education Office of Special Education Programs.

**Additional Resources:**

Arizona Department of Education. (1997). Individuals with Disabilities Education Act Amendments 1997. Summary of Major Changes and New Responsibilities.

Arizona Department of Education (1998). Special Education Process Idea 1997. A Model for Charter Schools. Draft. Including: Bounds, B. Most Common Mistakes Schools Make.

Bishop, C. D. of the Arizona Department of Education (1991). Section 504: A Challenge for Regular Education. AZ-TAS: Themes and Issues: A Series of Topical Papers on Special Education.

Gittins, N. E. Practical Advice on Handling Sexual Harassment in Schools. Sexual Harassment in the Schools: Revised Edition. p. 57-70

Krent, N. F., Cairns, S. S., Dodge, J. A., McGuire, Woods, Battle & Boothe The Americans with Disabilities Act: Its Impact on the Public Schools.

Minney, P. C. (1998). State Legal Issues Regarding California Charter Schools.

Nardone, J. *Section 504: Law and Procedures*. Handout.

Pickrell, T. *Charter Schools: An Outline of Legal and Financial Issues*. Arizona School Boards Association.

Steinhilber, A. W. (1976). *Copyright Law: A guide for Public Schools*. National School Boards Association.

U.S. Department of Education. (1997). *Allocations to Public Charter Schools Under Title 1, Part A of the Elementary and Secondary Education Act*. Public Law 103-382 (Draft).

U.S. Department of Education. (1997). Office of Civil Rights; Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties; Notice. *Federal Register, 62*(49).

# Curriculum Outline for:
# Regulatory Issues

I. **Special Education (Session A)**
  - A. Section 504 compliance
  - B. Compliance suggestions
    - 1. Working with the district
    - 2. Contracting out services
    - 3. Finding additional funds

II. **Federal Regulatory Issues (Session B)**
  - A. Federal grants to charter schools
  - B. Title IX of the Education Amendments of 1972
  - C. Family Education Rights and Privacy Act (FERPA)
  - D. Section 504 of the Rehabilitation Act of 1973
  - E. Title VI of the Civil Rights Act of 1964
  - F. Individuals with Disabilities Education Act (IDEA)
  - G. Others
    - 1. Equal Access Act
    - 2. Fair Labors Standards Act
    - 3. The Family and Medical Leave Act of 1993 (FMLA)
    - 4. The Drug Free Workplace Act of 1988
    - 5. Title VII of the Civil Rights Act of 1964
    - 6. Americans with Disabilities Act (ADA)
    - 7. Drug Free Schools and Campuses

III. **State Regulatory Issues (Session C)**
  - A. Legal status
  - B. Waiver status
  - C. Collective bargaining
  - D. Contracting/competitive bidding
  - E. Public records act
  - F. Open meeting laws
  - G. Location of charter schools
  - H. Charter issues
    - 1. Renewal process
    - 2. Dispute resolution
    - 3. Charter interpretation
    - 4. Amendment of charter
  - I. Miscellaneous

DRAFT

# QUESTIONS AND ANSWERS:

## Application of Federal Civil Rights Laws to Public Charter Schools

U.S. Department of Education
Office for Civil Rights

DRAFT

# QUESTIONS AND ANSWERS ON THE APPLICATION OF FEDERAL CIVIL RIGHTS LAWS TO PUBLIC CHARTER SCHOOLS

One of the fastest growing areas of public school reform is the charter schools movement. President Clinton has called for the creation of 3,000 charter schools by early in the next century as a vehicle for promoting choice and innovation within public school systems. Charter schools are public schools under contract--or charter--between a public agency and groups of parents, teachers, community leaders or others who want to create alternatives and choice within the public school system. In exchange for greater accountability for student achievement, charter schools are given expanded flexibility from statutory and regulatory requirements. However, charter schools remain subject to federal civil rights laws. This "Questions and Answers" Handout has been prepared by the Office for Civil Rights (OCR) in the U.S. Department of Education to assist charter schools in meeting their obligations under federal civil rights laws with respect to recruitment and admissions, provision of appropriate services to limited English proficient (LEP) students, and provision of a free appropriate public education and program accessibility to students with disabilities.

OCR is responsible for enforcing civil rights laws that protect students and other participants from discrimination on the basis of race, color, national origin, sex, disability, and age in programs and activities that receive federal financial assistance. These laws are: 1) Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, and national origin; 2) Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex; 3) Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability; 4) the Age Discrimination Act of 1975, which prohibits discrimination on the basis of age. Also, OCR is responsible for enforcing Title II of the Americans with Disabilities Act of 1990, which prohibits discrimination on the basis of disability by public entities, including public charter schools and public school districts, regardless of whether they receive federal financial assistance.

These Questions and Answers are not intended to provide you with all the information you may need to ensure compliance with civil rights laws. Rather, our intent is to highlight key requirements. Details of these requirements are described in OCR regulations and policy documents and applicable court decisions. For more detailed information about the civil rights requirements addressed in these Questions and Answers, as well as other requirements under the federal civil rights laws, please contact the OCR enforcement office that serves your state. A list of the addresses and telephone numbers of the OCR enforcement offices is attached.

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## Entity Responsible for Civil Rights Compliance

**Q:** *Which legal entity is responsible for ensuring that a public charter school is complying with federal civil rights laws?*

**A:** Where a charter school is part of a local educational agency, the local educational agency would be responsible for ensuring that the charter school is complying with the requirements of the federal civil rights laws. In other cases, the entity that is responsible for ensuring that a public charter school is complying with federal civil rights laws generally is the same entity that is responsible for the operating the charter school on a day to day basis. State charter school laws provide guidance regarding entities that are responsible for the operation of charter schools within a particular state. Unless the applicable state law provides otherwise, the entity that is responsible for the operation of the public charter school would also be responsible for ensuring that the public charter school is complying with the requirements of the federal civil rights laws.

While the charter school operator generally has responsibility for ensuring that the charter school complies with federal civil rights laws, the state educational agency (SEA) or other authorized chartering agency also may be responsible. For example, in cases where the SEA is the direct recipient of federal funds and the charter school is a subgrantee, the SEA must have policies that ensure that the subgrantee will comply with federal requirements.

## Effect of Existing Desegregation Plans on Public Charter Schools

**Q:** *What effect does an existing desegregation plan for a school district have on the establishment or operation of a public charter school in that district?*

**A:** When a public charter school is being established in a school district that is under either a Title VI desegregation plan approved by OCR or a court order requiring desegregation, the charter school must be established and operated in a manner that is consistent with the OCR-approved desegregation plan or court order. Generally, the establishment of a public charter school may not substantially impede or retard the scope of desegregation. For example, where the school district is operating under an OCR-approved or court-ordered desegregation plan, the establishment of a public charter school must not adversely affect the racial composition of the schools from which the charter school students will be drawn, such that the school district would not be in compliance with the desegregation plan or court order. The local educational agency or other entity that is responsible for the day to day operation of the charter school should consult with its attorneys to determine whether establishment of a charter school is consistent with an applicable OCR-approved desegregation plan or court order and whether OCR or court approval is needed.

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## Recruitment and Admissions

**Q:** *What steps should a public charter school take in order to be in compliance with federal civil rights laws with respect to the recruitment of students?*

**A:** Consistent with Title VI, Title IX, Section 504, and Title II, a public charter school should not recruit in a manner that discriminates against students of a particular race, color, national origin, or sex, or students with disabilities. Public charter schools should make sure that any outreach and recruitment efforts, such as radio advertisements or community meetings, are designed to effectively reach all segments of the parent community, including minority and limited English proficient parents.

Also, charter schools may make special efforts to encourage applications from minority and LEP students. For example, charter schools may: 1) conduct presentations or meetings with parent teacher associations or organizations at schools with a large number of minority students; 2) schedule meetings or consultations with minority community groups; 3) indicate in promotional materials that appropriate services will be provided for LEP students; 4) indicate in such materials that a free or low cost lunch program is available for eligible students: 5) disseminate information about the charter school in newspapers and other publications and on radio stations that serve minority communities; and 6) emphasize in meetings and promotional materials that students from all segments of the community will be welcome at the charter school.

Promotional materials that are used to recruit students must state that the charter school does not discriminate on the basis of race, color, national origin, sex, or disability in its programs and activities.

**Q:** *What steps does a public charter school have to take in its recruitment efforts with respect to parents who are limited English proficient?*

**A:** A public charter school must ensure that parents who are not proficient in English are provided with appropriate and sufficient information about the charter school. This information must be effectively communicated to parents who are not proficient in English. For example, in those communities that have significant numbers of LEP parents, if outreach materials are made available to parents, these materials may have to be available in languages other than English to ensure effective communication. Where the local community includes significant numbers of individuals who have limited English proficiency, if the charter school conducts informational meetings with parents or community groups, in order to ensure effective communication, translation services should be available .

**Q:** *What steps does a public charter school have to take in its recruitment efforts with respect to parents with disabilities?*

**A:** A public charter school must ensure that information about the charter school is communicated as effectively to parents with disabilities as to other parents. Appropriate auxiliary aids and services must be made available whenever they are necessary to ensure effective communication for parents with disabilities. For example, if outreach materials are made available to parents, these materials should be made available on request in such alternative formats as Braille or large print for parents with visual disabilities. If the charter school conducts informational meetings with parents or community groups, qualified interpreters should be provided on request for individuals with hearing disabilities.

**Q:** *What steps should a public charter school take in order to ensure that all students, regardless of race, color, and national origin, are treated in a nondiscriminatory manner in admissions?*

**A:** Public charter schools may not treat an individual differently on the basis of race, color, or national origin in determining whether he or she satisfies any admissions requirement. In order to receive the charter school start-up grants that are available through the Federal Charter Schools Program, public charter schools must admit students on the basis of a lottery if more students apply for admission than can be accommodated.

In public charter schools that do not use a lottery for admissions, eligibility criteria must be nondiscriminatory on their face and must be applied in a nondiscriminatory manner. If these criteria have a disparate impact on the basis of race, color, or national origin, they must be necessary to meet the school's educational objectives and there should be no alternative admissions criteria available that has less disparate impact and meets the school's educational objectives. If admissions criteria are permitted by state law and the school's charter, a public charter school may use admissions criteria that are related to the nature of the school, for example, a requirement that students be at a particular grade level or that students be concentrating in a particular subject area.

Many state charter school laws also have specific provisions that are designed to ensure that charter schools are open to all students. For example, consistent with the Federal Charter Schools Program, a significant number of states specifically require that public charter schools use a lottery system for admissions purposes. A few state charter school laws contain provisions designed to ensure that transportation services are provided to low-income students attending such schools.

Where a public charter school is established in a school district that is remedying past discrimination, the charter school may be required to make a narrowly tailored use of race or national origin in admissions to remedy the effects of that past discrimination.

**Q:** *Under Section 504 and Title II, what steps should a public charter school take in order to ensure that students with disabilities are treated in a nondiscriminatory manner in admissions?*

**A:** Students with disabilities may not be excluded from admission to a public charter school solely on the basis of their disability. In applying admissions criteria to students with disabilities, individualized determinations must be made as to whether a particular student meets the criteria and those determinations must be made on a nondiscriminatory basis. For example, if students must pass a written examination in order to be admitted to a public charter school, a student who is blind would have to be provided appropriate accommodations in order to take the test.

## Discrimination on the Basis of Sex

**Q:** *Do charter schools have the same Title IX obligations as other public schools?*

**A:** Yes. Consistent with Title IX, public charter schools must ensure that they do not discriminate on the basis of sex in their programs and activities. Also, Title IX protects students from unlawful sexual harassment in all of a school's programs or activities, whether they take place in the facilities of the school, on a school bus, or at a class, training program, or other activity sponsored by the school at another location. In order to receive technical assistance regarding Title IX, please contact the OCR enforcement office that serves your state.

## Provision of Appropriate Services to Students with Limited English Proficiency

**Q:** *May a public charter school exclude from admission students who have limited English language proficiency?*

**A:** A public charter school may not categorically exclude LEP students from participating in a public charter school's program. If there are questions about the legality of the specific requirements of a program being offered by a charter school that may impact LEP students, please feel free to contact the OCR enforcement office that serves your state.

**Q:** *Do the same requirements to provide appropriate services to LEP students that apply when a LEP student attends any other public school also apply when a LEP student attends a public charter school?*

**A:** Yes. Title VI prohibits the denial of equal access to education for national origin minority children. Where the inability to speak and understand the English language excludes national origin minority group children from effective participation in the educational program offered by a public school, the school must take affirmative steps to rectify the language deficiency in order to open its instructional program to these students.

Public schools must implement procedures that ensure that all LEP students are identified, evaluated, and provided necessary language services by properly trained staff and that the educational program is periodically evaluated to ensure that it is effective in meeting the educational needs of LEP students. These legal requirements are explained in OCR policy documents and technical assistance materials. Public charter schools need to become familiar with the details of these legal requirements.

There are, of course, many different kinds of programs offered by public charter schools. For technical assistance regarding how the program being offered by a charter school can comply with Federal civil rights requirements to serve LEP students, you should contact the OCR enforcement office that serves your state.

**Q:** *Under Title VI, what must a public charter school do to ensure that parents who are not proficient in English are provided with appropriate and sufficient information about school activities?*

**A:** Public charter schools must effectively notify parents who are not proficient in English of school activities that are called to the attention of other parents. Such a notice, to be effective, may have to be provided in a language other than English.

**Q:** *How do charter schools pay for the provision of appropriate educational services to LEP students?*

**A:** Where a public charter school is part of an LEA, unless state law makes another agency responsible, the LEA would be responsible for ensuring that there is adequate funding for the provision of appropriate services to LEP students. Where the charter school is controlled by a governing board independent of the LEA, unless state law makes another agency responsible, the independent governing board would be responsible for ensuring that there is adequate funding for the provision of appropriate services to LEP students.

The entity responsible for the operation of the public charter school may want to consider applying for Title VII funds from ED's Office of Bilingual Education and Minority Languages Affairs. However, if an independent governing board is responsible for the operation of a public charter school, the charter school must constitute an LEA under the Elementary and Secondary Education Act of 1965 in order for the charter school to receive Title VII funds as an LEA.

Many public charter schools receive Title I funding from ED's Office of Elementary and Secondary Education. Charter schools would receive Title I funds directly from the SEA if the charter school is treated as an LEA or from the school district if the charter school is treated as a public school within an LEA. Title I funds also may be used to meet the educational needs of LEP students. In addition, a public charter school could be assisted in meeting its obligations through such means as joining with other charter schools or working with LEAs to share qualified staff. It is important to note that a public charter school cannot excuse its failure to provide appropriate educational services to LEP students because of inadequate financial resources.

## Program Accessibility for Individuals with Disabilities

**Q:** *Are public charter schools responsible for ensuring that their programs and activities are accessible to persons with disabilities?*

**A:** Yes. Public charter schools are subject to the same program accessibility requirements as other public schools. Program accessibility requirements often involve complex issues. For assistance in understanding program accessibility requirements, you may want to review OCR technical assistance materials.

**Q:** *Are there different legal requirements that apply to public charter schools located in older facilities as compared to newer facilities?*

**A:** Yes, the legal requirements are different. Under the federal civil rights laws, older facilities (which are referred to as "existing facilities" in the Section 504 and Title II regulations) do not have to meet the requirements of federal accessibility codes. For such facilities, the legal standard is that programs and activities, when viewed in their entirety, must be readily accessible to and usable by individuals with disabilities. New construction and alterations are required to be in compliance with federal accessibility codes.

Section 504 and Title II have different time frames regarding what constitutes existing facilities and new construction and alterations. Under Section 504, an existing facility is a facility that was in existence or in the process of construction before June 3, 1977, the effective date of the regulation. Under Section 504, new construction means ground-breaking took place on or after June 3, 1977. Under Title II, an existing facility is a facility that was in existence or in the process of construction on January 26, 1992, the effective date of the regulation. Under Title II, new construction refers to any building for which bids were invited after January 26, 1992.

**Q:** *What are the program accessibility requirements that apply if the public charter school leases its space from another entity?*

**A:** Leased facilities are subject to the program accessibility requirements for existing facilities or new construction and alterations, depending on the date that the buildings were constructed or altered.

## Provision of a Free Appropriate Public Education to Students with Disabilities

**Q:** *What are the responsibilities of public charter schools to educate students with disabilities who are protected by Section 504 and Title II?*

**A:** A state or local government agency must provide students with disabilities, consistent with their individual educational needs, a range of choice in educational programs and activities that is comparable to that offered to students without disabilities. This includes magnet schools, charter schools, or other schools offering different curricula or instructional techniques. Under Section 504 and Title II, the charter school itself, if it is considered a local educational agency, or the local educational agency, of which a charter school may be part, must provide a free appropriate public education (FAPE) to all students with disabilities who have been admitted to the charter school, unless state law designates another entity as being responsible for the provision of FAPE.

Under Section 504 and Title II, the provision of FAPE includes: 1) establishment of nondiscriminatory evaluation and placement procedures to prevent misclassification or inappropriate placement of students and periodic reevaluation of students who have been provided special education or related services; 2) the provision of regular or special education and related services designed to meet the individual educational needs of students with disabilities as adequately as the needs of nondisabled students are met; 3) participation of each student with a disability with nondisabled students in academic settings and in nonacademic services and activities to the maximum extent appropriate to the needs of the student with a disability; and 4) establishment of due process procedures and procedural safeguards. FAPE requirements cover many specific issues that you may become familiar with by reviewing the Section 504 and Title II regulations and OCR's technical assistance resources.

**Q:** *Could a child be covered under Section 504 and Title II but not be eligible to receive services under Part B of the Individuals with Disabilities Education Act (IDEA)?*

**A:** Yes. Although, this is a rare occurrence, there are students with disabilities who are covered only by Section 504 and Title II, but who are not eligible to receive services under Part B of the IDEA. For example, a child with juvenile rheumatoid arthritis who requires the periodic administration of medication during the school day, but does not need any special education services, may be covered by Section 504 and Title II, even though the child is not eligible for services under Part B of the IDEA. Public charter schools need to make sure that they have in place procedures to ensure that students covered by Section 504 and Title II, but not by the IDEA, receive FAPE.

It should be noted that the IDEA is administered by the Department's Office of Special Education and Rehabilitative Services (OSERS), while Section 504 and Title II are enforced by OCR. Under certain circumstances, public charter schools may be eligible for IDEA funds. For further information about IDEA requirements, contact OSERS's Office of Special Education Programs.

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Updated 10/22/97

# FEDERAL LEGAL ISSUES REGARDING CHARTER SCHOOLS

# FEDERAL LEGAL ISSUES REGARDING CHARTER SCHOOLS

## I. Federal Grants to Charter Schools

(20 U.S.C. 8061-8066)

-Findings and Purpose
(20 U.S.C. 8061)

-Definition of Charter School
(20 U.S.C. 8066)

## II. Title IX of the Education Amendments of 1972

(20 U.S.C. 1681 et seq.; 34 CRF 106.1 et seq.)

Title IX prohibits discrimination on the basis of sex in any education program or activity that receives Federal financial assistance.

Each recipient is required to designate at least one employee to coordinate compliance with with Title IX, including the investigation of any allegation of noncompliance. (34 CFR 106.8a).

Each recipient is required to notify "all students and employees of the name, office, address and telephone number" of its Title IX compliance officer. (34 CFR 106.8b).

Each recipient is required to "adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee complaints." (34 CFR 106.8b).

Each recipient is required to disseminate its policy on an ongoing basis. (34 CFR 106.9a1).

## III. Family Education Rights and Privacy Act (FERPA)

(20 U.S.C. 1232g; 34 CFR 99.1 et seq.)

FERPA generally provides that parents/pupils have the right of access to their records and that such records are confidential and may not be disclosed without the consent of the parent/pupil. A primary exception exists within the school for those school officials who have "legitimate educational interests."

Required policies (see 34 CFR 99.6).

## IV. Section 504 of the Rehabilitation Act of 1973

(29 U.S.C. 706 et seq.; 34 CFR 104.1 et seq.)

Section 504 prohibits discrimination on the basis of handicap in any education program receiving Federal financial assistance.

Each recipient that employees fifteen (15) or more persons is required to:

1. Designate at least one person to coordinate its efforts to comply with the law (34 CFR 104.7a);

2. Adopt "grievance procedures that incorporate due process standards and that provide for prompt and equitable resolution of complaint" (34 CFR 104.7b);

3. Notify students and employees of the prohibition against discrimination (34 CFR 104.8).

V. Title VI of the Civil Rights Act of 1964
(42 U.S.C. 2000d et seq.; 34 CFR 100.1 et seq.)

Title VI prohibits discrimination on the basis of race, color, or national origin in any education program receiving Federal financial assistance.

In Lau v. Nichol the United States Supreme Court found that Title VI requires same level of bilingual education.

VI. Individuals with Disabilities Education Act (IDEA)
(20 U.S.C. 1400 et seq.; 34 CFR 300 et seq.)

IDEA requires each state to have a plan that ensures that "all children with disabilities have available to them a free appropriate public education that includes special education and related services to meet their unique needs."

VII. Miscellaneous

In addition to the Federal laws set forth above, there are a number of other Federal statutes that must be considered:

1. Equal Access Act
   (20 U.S.C. 4071-4074)

   Applies to all public secondary schools which receive Federal financial assistance and addresses student free speech rights, including religious speech.

2. Fair Labor Standards Act (FLSA)
   (29 U.S.C. 201 et seq.; 29 CFR 516 et seq.)

   The FLSA provides for minimum wages, overtime pay, and child labor protections.

3. The Family and Medical Leave Act of 1993 (FMLA)
   (29 U.S.C. 2601)

   The FMLA permits employees to take "reasonable leave for medical reasons, for the birth or adoption of a child, and for the care of a child, spouse, or parent who has a serious condition." Applies to employers of fifty (50) or more employees.

4. The Drug Free Workplace Act of 1988
(41 U.S.C. 701)

Requires Federal grant recipients to adopt a policy that prohibits the use or possession of drugs in the workplace.

5. Title VII of the Civil Rights Act of 1964
(42 U.S.C. 2000e; 29 CFR 1602 et seq.)

This is the preeminent employment civil rights law in our country. It prohibits employers of fifteen (15) or more employees from discrimination in employment on the basis of race, color, religion, sex, or national origin.

6. Americans with Disabilities Act (ADA)
(42 U.S.C. 12101; 28 CFR 35.101)

The ADA generally prohibits employers of fifteen (15) or more employees from discriminating against disabled employees. It also requires public services to be available to persons with disabilities. A public entity with fifty (50) or more employees must designate at least one employee to coordinate compliance with the ADA and must adopt "grievance procedures providing for prompt and equitable resolution of complaints."

7. Drug Free Schools and Campuses
(34 CFR 86.1 eq seq.)

Requires recipients of federal funds to adopt and enforce a drug prevention program for both students and employees.

## NONREGULATORY GUIDANCE

# ALLOCATIONS TO PUBLIC CHARTER SCHOOLS UNDER TITLE I, PART A OF THE ELEMENTARY AND SECONDARY EDUCATION ACT

U.S. DEPARTMENT OF EDUCATION
Office of Elementary and Secondary Education

March 1998

# ALLOCATIONS TO PUBLIC CHARTER SCHOOLS UNDER TITLE I, PART A OF THE ESEA

A growing number of States have enacted legislation establishing public charter schools. Usually, this legislation recognizes charter schools as (1) separate local educational agencies (LEAs) or (2) public schools within an LEA. As such, public charter schools are eligible to receive Federal education funds on the same basis as other LEAs or public schools.

This guidance deals with issues concerning the eligibility of public charter schools to receive funds, and the allocation of funds to such schools, under Part A of Title I of the Elementary and Secondary Education Act. Title I, Part A provides Federal financial assistance, through State educational agencies (SEAs), to LEAs to meet the educational needs of children who are failing or are most at risk of failing to meet a State's challenging content and student performance standards in schools with high concentrations of children from low-income families. Public charter schools may be eligible to receive Title I, Part A funds, either as LEAs or as participating public schools within an LEA.

In general, when allocating Title I, Part A funds, SEAs and LEAs must treat public charter schools in a manner consistent with the Title I statute and regulations and take all reasonable steps to ensure that public charter schools receive their full allocations. In a State that considers public charter schools to be LEAs, the SEA must treat those public charter schools like other LEAs in the State when determining Title I LEA eligibility and allocations. Similarly, if a State considers public charter schools to be public schools within an LEA, an LEA must treat its public charter schools like other public schools in determining eligibility and within-district allocations. To aid in making these determinations, an SEA or LEA should provide timely information to public charter schools (and potential public charter schools planning to open in an upcoming school year) about Title I, Part A eligibility and allocation procedures so that the public charter schools can provide the necessary data for the SEA or LEA to carry out its Title I responsibilities. Given the fact that new public charter schools often operate under varying time frames with respect to enrolling students, SEAs and LEAs should be appropriately flexible in accommodating this situation. The Department strongly encourages SEAs and LEAs to use the available flexibility to ensure that eligible students in eligible public charter schools receive Title I services in the first year of a public charter school's operation.

## Public Charter School LEAs

**Q1. What eligibility requirements must a public charter school LEA meet in order to receive Title I, Part A funds?**

A. In order to receive Title I funding, a public charter school LEA must meet the same eligibility requirements that apply to other LEAs in the State. To be eligible for a Basic Grant, an LEA must have at least 10 "formula children" and the number of such children must make up more than two percent of the LEA's population ages 5 through 17 years. To be eligible for a Concentration Grant, an LEA generally must have more than 6,500 formula children or the number of such children must exceed 15 percent of the LEA's 5 through 17 population. Formula children are defined in Q. 2.

**Q2. In general, how does an SEA suballocate Title I funds to eligible LEAs?**

A. Using the county Title I allocations provided by the U.S. Department of Education, each SEA suballocates those funds to eligible LEAs, including public charter schools that have been recognized as LEAs by State law, based on their number of formula children. Formula children are children ages 5 through 17 from low-income families and children who live in institutions for neglected children. An SEA must use the best available data to determine the number of poor formula children and must use the same measure of low-income throughout the State for determining LEA eligibility and allocations. (For more details on how SEAs allocate Title I funds to LEAs, see the Title I regulations in 34 C.F.R. §§ 200.20 - 200.25 and allocation guidance on LEA allocation procedures issued for the appropriate year.)

**Q3. Does an SEA have flexibility in obtaining poverty data for public charter school LEAs?**

A. Generally, an SEA must use the same measure of low-income throughout the State for determining LEA eligibility and allocations. Within this general rule, however, an SEA has flexibility in the following areas:

(1) If enrollment and poverty data for a public charter school LEA are not available at the same time that such data are collected for other LEAs (e.g., the charter school is not yet open), an SEA may use the same data collected at a different time of the year to determine the public charter school's eligibility for and allocation of Title I funds. For example, an SEA that uses enrollment and free and reduced-price lunch (FRPL) data collected in October 1996 to determine LEA allocations for the 1997-98 school year may use public charter school data collected at a later date to determine the public charter school's Title I eligibility and allocation.

(2) If, when allocating funds to LEAs, an SEA uses census poverty data, for example, that are not available for public charter schools, the SEA may use another poverty measure to estimate the number of census poverty children attending the public charter school and make corresponding adjustments to the census poverty counts of the sending LEAs. For example, an SEA that has FRPL data available for regular and public charter school LEAs may derive a census count for the public charter school LEA by computing the percentage of FRPL children living in each LEA that attend the public charter school and applying that percentage to the census poverty count of each of the sending LEAs. The following examples illustrate how an SEA might use census poverty and FRPL counts to compute an adjusted census poverty count for regular LEAs and the public charter school districts.

**Example: One public charter school draws students from several LEAs**

| Regular LEAs from which Public Charter School Draws Students | (1) Census Poverty Count | (2) Count of Free & Reduced Price Lunch (FRPL) Children Living in Regular LEAs | (3) FRPL Children Living in Regular LEAs & Enrolled in Public Charter School | (4) Percent of Regular LEA FRPL Children Enrolled in Public Charter School | (5) Census Poverty Adjustment for Regular LEAs Used to Compute Public Charter School Census Count | (6) Adjusted Census Poverty Count for Each LEA | (7) Neglected Count | (8) Total Formula Count |
|---|---|---|---|---|---|---|---|---|
| LEA 1 | 14 | 25 | 3 | 12.00% | 1.68 | 12.32 | 0 | 12.32 |
| LEA 2 | 16 | 29 | 3 | 10.34 | 1.66 | 14.34 | 0 | 14.34 |
| LEA 3 | 30 | 58 | 5 | 8.62 | 2.59 | 27.41 | 1 | 28.41 |
| LEA 4 | 20 | 40 | 2 | 5.00 | 1.00 | 19.00 | 0 | 19.00 |
| LEA 5 | 25 | 50 | 3 | 6.00 | 1.50 | 23.50 | 0 | 23.50 |
| LEA 6 | 40 | 79 | 7 | 8.86 | 3.54 | 36.46 | 2 | 38.46 |
| Public Charter School LEA | 0 | NA | NA | NA | NA | 11.97 | 0 | 11.97 |
| Total | 145 | 281 | 23 | NA | 11.97 | 145.00 | 3 | 148.00 |

| | |
|---|---|
| Column (1) | Census poverty count for each LEA from which the public charter school draws students. |
| Column (2) | Free and reduced-price lunch (FRPL) counts for each regular LEA from which the public charter school draws FRPL students. |
| Column (3) | FRPL children living in a regular LEA and enrolled in the public charter school. |
| Column (4) | Percent of FRPL children living in regular LEAs enrolled in the public charter school (Column (3) ÷ Column (2)) |
| Column (5) | Adjustment to census poverty counts in sending LEAs (Column (1) x Column (4)) used to derive an estimated census count for the public charter school LEA. |
| Column (6) | Adjusted census poverty counts for regular LEAs (Column (1) - Column (5)) plus the derived census count for the public charter school LEA (the total from Column (5)). |
| Column (7) | Count of children in locally operated institutions for neglected children. |
| Column (8) | Total formula count for each LEA (Column (6) + Column (7)). |

**Example: Several public charter schools draw students from one LEA**

| Regular LEAs from which Public Charter Schools Draw Students | (1) Census Poverty Count | (2) Count of FRPL Children Enrolled in the Regular LEA and Public Charter Schools | (3) Percent of FRPL Children Enrolled in the Regular LEA & Public Charter Schools | (4) Adjusted Census Poverty Count for the Regular LEA and Each Public Charter School | (5) Neglected Count | (6) Total Formula Count |
|---|---|---|---|---|---|---|
| LEA | 76,000 | 199,760 | 99.88% | 75,908.80 | 927 | 76,835.80 |
| Public Charter School 1 | | 40 | 0.02 | 15.20 | 0 | 15.20 |
| Public Charter School 2 | | 120 | 0.06 | 45.60 | 0 | 45.60 |
| Public Charter School 3 | | 80 | 0.04 | 30.40 | 0 | 30.40 |
| Total | 76,000 | 200,000 | 100.00 | 76,000.00 | 927 | 76,927.00 |

Column (1) Census poverty court for the regular LEA from which the public charter schools draw students.
Column (2) Count of FRPL students enrolled in the regular LEA and the public charter schools.
Column (3) Percent of FRPL students enrolled in the regular LEA and public charter schools.
Column (4) Adjusted census poverty count for the regular LEA and public charter schools (the total for Column (1) (76,000) x individual percentages shown in Column (3)).
Column (5) Count of children in locally operated institutions for neglected children.
Column (6) Total formula count for the LEA and each public charter school (Column (4) + Column (5)).

(3) If the same data are not available, an SEA may use poverty data for public charter school children that are from a different source than the data it uses for other LEAs so long as the income level for both sources is generally the same. For example, an SEA uses free and reduced-priced lunch data to allocate Title I funds to LEAs. However, students in a public charter school LEA do not participate in the free and reduced-price lunch program. Public charter school officials may be able to produce an equivalent count of poor children from families that meet the income criteria for the free and reduced-price lunch program by using other sources of poverty data such as a survey of parents.

**Q4. What if public charter school enrollment and poverty data are not available in time to be factored into the allocation process?**

A. We encourage SEAs to allow public charter school LEAs as much leeway as possible with respect to deadlines for submitting data. At the same time, because of the need to determine Title I allocations in sufficient time to allow LEAs to design their programs, hire staff, and purchase necessary equipment and materials, an SEA may establish a reasonable cut-off date by which all LEAs (including charter school LEAs) must submit the data necessary for the Title I allocation process.

SEAs should bear in mind that newly opening public charter schools typically are not in a position to identify their formula children until on or near the date when the school actually opens. To accommodate this situation, yet not hold up the determination of final allocations for other LEAs in the State that are not affected by the creation of a charter school LEA, we strongly urge SEAs to use one of the following options:

(1) An SEA may compute the amount of grants that sending LEAs would have received under sections 1124 and 1124A of Title I had the public charter school LEAs not been created. Under the authority in section 1126(b) of Title I,[1] an SEA may then adjust those allocations for LEAs likely to send children to public charter schools ("sending LEAs") by reserving an estimated amount in anticipation of the start-up of public charter school LEAs. Once poverty data are available based on the actual count of formula children, or to determine an actual count of formula children as provided in the examples in Q. 3, an SEA would determine actual allocations for the

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[1] Section 1126(b) allows SEAs to allocate the amounts of grants under Sections 1124 (Basic Grants), 1124A (Concentration Grants), and 1125 (Targeted Grants) among affected LEAs (1) if two or more LEAs serve, in whole or in part, the same geographical area; (2) if an LEA provides free public education for children who reside in the school district of another LEA; or (3) to reflect the merger, creation, or change of boundaries of one or more LEAs.

sending LEAs and the public charter school LEAs, if eligible, and notify these LEAs of their final allocations for the school year. These final allocations would then be used as the base for determining the hold-harmless allocations the following year.[2]

(2) An SEA may use funds made available through the reallocation process authorized in section 1126(c) of Title I or from unexpended State administration funds to provide estimated allocations to public charter school LEAs. Once poverty data for the public charter school LEAs become available, an SEA would determine "actual" allocations that the sending LEAs and the public charter school LEAs are entitled to receive and notify the LEAs of what their "actual" allocation would have been for the school year through this process. These "actual" allocations would become the base allocation for determining hold-harmless allocations the following year.

## Public Charter Schools within an LEA

**Q5. What eligibility requirements must a public charter school meet in order to receive Title I, Part A funds from its LEA?**

A. In order to receive Title I funds, a public charter school must meet the same eligibility requirements as other public schools in the LEA. To allocate Title I funds to schools, an LEA must first determine which schools (including public charter schools) are eligible to participate. Generally, a school is eligible to participate if the percentage of children from low-income families residing in its school attendance area or enrolled in the school is at least as high as the percentage of children from low-income families in the LEA as a whole or is at least 35 percent.

**Q6. In general, how does an LEA distribute Title I, Part A funds to eligible schools?**

A. An LEA ranks all of its schools according to their percentages of poverty and allocates funds to eligible schools, in rank order according to those poverty percentages, based on the number of poor children in each school. In allocating Title I funds, an LEA must serve all schools above 75 percent poverty before serving any school with a poverty rate below 75 percent. After allocating funds to schools above 75 percent poverty, the LEA may serve lower-poverty schools either by continuing with the districtwide ranking or by ranking within grade-span groupings. Although an LEA is not required to allocate the same per-pupil amount to each school in its district, it may not allocate a higher amount per child to schools with lower poverty rates than to schools with higher poverty rates. Depending on choices an LEA makes with regard to such issues as the per-pupil allocation for each school, grade-span groupings, and off-the-top reservations, as well as the amount of Title I funds an LEA receives, an eligible school may or may not receive Title I funding. (For more details about how LEAs allocate Title I funds to schools, see the Title I regulations in 34 C.F.R. §§ 200.27 and 200.28 and guidance on within-district allocation procedures.)

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[2] Generally, the Title I statute contains a "hold-harmless" provision only for Basic Grants whereby an LEA is guaranteed a certain Title I allocation based on its prior year allocation. In the fiscal year 1998 appropriations act, however, Congress established a 100 percent hold-harmless for Basic and Concentration Grant allocations made in school year 1998-99.

**Q7. Does an LEA have flexibility in obtaining poverty data for public charter schools?**

A. Yes, an LEA has flexibility. For example:

- If enrollment and poverty data for a public charter school are not available at the same time that such data are collected for other public schools (e.g., the charter school is not yet open), an LEA may use the same data collected at a different time of the year to determine the public charter school's eligibility for and allocation of Title I funds. For example, an LEA that uses enrollment and free-lunch data collected in February 1997 to determine allocations for the 1997-98 school year may use public charter school data collected at a later date to determine the public charter school's Title I eligibility and allocation.

- If an LEA uses poverty data that are not available for a public charter school, such as free and reduced-price lunch data, the LEA has several options:

  (1) The LEA may use poverty data for public charter school children that are from a different source than the data it uses for other public schools so long as the income level for both sources is generally the same. For example, public charter school officials may be able to produce an equivalent count of children eligible for free and reduced-price lunches using other sources of poverty data such as a survey of parents, State programs under Title IV of the Social Security Act, or tuition scholarship programs.

  (2) If complete actual data are not available, the LEA may extrapolate the number of low-income children in a public charter school from actual data on a representative sample of children in the public charter school. The sample size should be large enough to reasonably conclude that the poverty estimate is accurate.

(3) The LEA may obtain the number of poor children in a public charter school by correlating sources of data--that is, by determining the proportional relationship between two sources of data on poor children in regular public schools and applying that ratio to a known source of data on poor children in a public charter school.

**Q8. What if public charter school enrollment and poverty data are not available in time to be factored into the LEA's allocation process?**

A. We encourage LEAs to allow public charter schools as much leeway as possible with respect to deadlines for submitting data. At the same time, because of an LEA's need to determine the allocation of Title I funds among participating schools in sufficient time to design programs, hire staff, purchase necessary equipment and materials, and consult with private school officials about equitable services for their children, an LEA may establish a reasonable cut-off date by which public charter schools must submit the data necessary for the LEA to make decisions. LEAs, however, should bear in mind that newly opening public charter schools typically are not in a position to identify their poverty children until on or near the date when the school actually opens for the first time. Accordingly, to the extent that an LEA sets a cut-off date for poverty data significantly in advance of such opening, we strongly encourage the LEA to adopt one or more of the following options:

(1) The LEA may reserve an amount off the top of its Title I allocation that it believes will be sufficient to fund eligible public charter schools. Once a public charter school has the appropriate data, the LEA would determine whether the school is eligible and ranks sufficiently high to receive Title I funds. The LEA would allocate the appropriate amount of the reserved Title I funds to the qualifying public charter school in accordance with the LEA's Title I allocation procedures.

(2) The LEA may distribute an appropriate amount available from Title I "carryover funds" to a qualifying public charter school.

(3) The LEA may apply to the SEA for funds available through the Title I reallocation process to serve a qualifying public charter school.

We strongly encourage SEAs and LEAs to take advantage of the flexibility discussed in this guidance in order to ensure that eligible children in public charter schools receive Title I services.

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**Editor's Note:** The following handbook on special education and charter schools was prepared before the recent reauthorization of the Individuals with Disabilities Education Act (IDEA) on June 4, 1997. While much of the information provided below is still relevant, for updated information on IDEA, please consult the U.S. Department of Education web site.

# CHARTER SCHOOLS AND SPECIAL EDUCATION: A HANDBOOK

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**Year 3 Deliverable #5-3-3**
**Contract No. HS92015001**
**May 6, 1997**

**Prepared for:**
**U. S. Department of Education**
**Office of Special Education Programs**

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***This report was supported in whole or in part by the U.S. Department of Education (Contract No. HS92015001). However, the opinions expressed herein do not necessarily reflect the position or policy of the U.S. Department of Education, and no official endorsement by the Department should be inferred.***

Project FORUM at National Association of State Directors of Special Education (NASDSE) is a contract funded by the Office of Special Education Programs of the U. S. Department of Education. The project carries out a variety of activities that provide information needed for program improvement, and promote the utilization of research data and other information for improving outcomes for students with disabilities. The project also provides technical assistance and information on emerging issues, and convenes small work groups to gather expert input, obtain feedback, and develop conceptual frameworks related to critical topics in special education.

ACKNOWLEDGMENTS

Project FORUM extends its sincere appreciation to the individuals whose efforts have served to enrich the quality and accuracy of this document. The individuals listed below, who constituted a Quality Review Panel for this work, have reviewed and commented on an earlier draft of this document. Our acknowledgment of their involvement does not necessarily indicate their endorsement of this final document.

Frank Dooling, Forum Consultant, America Online Charter Schools Forum, and Advisor to the California Network of Educational Charters (CANEC); Michael Gerber, Professor and Director, Special Education Research Laboratory University of California, Santa Barbara; Pat Lines, Senior Research Analyst National Institute on Educational Governance, Finance, Policymaking and Management U. S. Department of Education;Kay Lund, Deputy Associate Superintendent for Special Education Arizona Department of Education; Margaret McLaughlin, Associate Director Institute for the Study of Exceptional Children and Youth, University of Maryland; Marcia Mittnacht, Executive Director, Educational Improvement Group Massachusetts Department of Education; Joe Nathan, Director, Center for School Change Hubert H. Humphrey Institute of Public Affairs, University of Minnesota; Eric Premack, Director Charter Schools Project Institute for Education Reform, California State University, Sacramento.

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## ABSTRACT

Legislation providing for public charter schools has been passed in 25 states and the District of Columbia. Nearly 500 schools were open in the 1996-97 school year, each with an individual orientation and mission. Charter school personnel are generally responsible for all or nearly all programs and services provided by traditional public schools, including special education services. However, there is little information available for charter school personnel as they consider special education issues. Most charter school laws are not specific about special education, and provide little guidance for those operating a charter school or for the sponsoring entity or host district.

Several questions arise for charter school personnel as they implement special education in their schools. Who is responsible for serving students with disabilities who attend charter schools? How are special education services delivered? How do the funding mechanisms operate that allow for maximum financial support to charter schools or host school districts? The answers to these and other related questions will determine the programming direction for the charter school and ultimately affect how students receive special services.

This handbook has been prepared to assist charter school operators, state department of education personnel, and policymakers as they seek answers to these questions. Special education case law and legislation are reviewed as well as pertinent issues that can guide charter school personnel, host or sponsoring districts, and state agency personnel in the implementation of special education in charter schools. This document is intended to be an overview, and not a complete source for all requirements related to meeting the needs of students with disabilities in charter schools.

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# CHARTER SCHOOLS AND SPECIAL EDUCATION: A HANDBOOK

## INTRODUCTION

### *Background*

Charter schools are fast becoming the most visible form of school choice in the country. As of fall 1996, 25 states and the District of Columbia have passed charter school legislation. This legislation allows teachers, parents, community groups, business leaders, and others the opportunity to open a new public school, or convert an existing school, with some degree of independence from established school districts. There are many challenges to starting and maintaining a new school without the traditional infrastructure available through an existing school district or private school organization. One of the challenges is the implementation of special education services.

Consider the following possibilities:

- Staff at a newly opened charter school believe they can provide educational services to students with disabilities within the model they have designed without providing special education. Can they?
- The director of a newly opened charter school had been told the host district would provide special education services. How will the students with disabilities receive services and how will they be funded?
- Staff members of a charter school have followed procedures and have identified students in need of special services. How do they receive funding for these services?

- A parent requests additional services from a charter school and tells the school she will request a due process hearing to obtain the services she wants for her child. The charter school must obtain legal advice. Who is responsible for the fees? Is there another way to resolve the issue?

Each of these scenarios is a realistic possibility in a charter school. These situations can be difficult to manage if staff are unaware of special education laws and procedures, or if they do not have the expertise for providing special services. Knowing what to expect and the questions to ask in the area of special education is essential for charter school serving students with disabilities.

The purpose of this handbook is to provide an overview of special education laws and issues for those currently operating a charter school, host or sponsoring school districts, and state departments of education.[1] Since charter schools are so new, this handbook is meant to provide a framework for those needing information about special education issues that impact on charter schools as they serve students with disabilities.

### *Charter Schools and the School Choice Movement*

The first charter school opened in Minnesota in 1991. Since that time nearly 500 charter schools have opened in 16 states and the District of Columbia.[2] Charter schools join open enrollment, post secondary enrollment options, second chance programs, and magnet schools in the menu of school choice options available across the country. Charter schools vary from other school choice options in that they allow interested individuals to open a new public school or convert an existing school to a charter school. These schools are usually financially and legally independent from a school district, although state laws should be consulted for specific status. There are a number of definitions that have been applied to charter schools. According to one frequently quoted source, a charter school is defined as:

> an autonomous educational entity operating under a charter, or contract, that has been negotiated between the organizers, who create and operate the school, and a sponsor, who oversees the provisions of the charter. Organizers may be teachers, parents, or others from the public or private sector; and sponsors may be local school boards, state education boards, or some other public authority. Provisions in each school's charter address such considerations as the school's instructional plan, specific educational results and how they will be measured, and management and financial plans (Mulholland & Bierlein, 1995, p. 7).

Mulholland and Bierlein (1995) identify six desired outcomes of charter schools. These desired outcomes often become the rationale behind the legislation and application for a charter school. They include:

1. Enhanced educational choice options for students, parents, and teachers
2. Decentralization of educational authority
3. Results-based accountability
4. Availability within public education
5. New professional opportunities for teachers
6. More market-driven educational system.

Charter school laws vary in their strength affecting their defining characteristics. The strength of a charter school law is usually defined by the range of autonomy and availability of several criteria including number of schools allowed, variety of sponsors, variety of schools, availability of appeals process, availability of waivers, availability of start-up funds, and legal autonomy (Bierlein, 1996; Buechler, 1996).

There is wide variability in the law at this time with some states allowing unlimited numbers of charter schools, and other states restricting the number of possible schools to fewer than ten. Some states allow complete independence from a local school district, while others require local school board permission before a school can open. The variability in the laws means that charter schools operate differently depending upon the state legislation under which the charter schools are approved.

The orientation of charter schools also varies greatly. Some schools are designed for specific student populations, others provide a unique or specific curriculum, and others are designed with governance and parent involvement components that are integral to their mission. There are many examples of this variability within the charter school movement. Some schools are very traditional in their orientation providing a "back-to-basics" approach, while others have a focused curriculum such as conflict resolution and peace building in an urban environment, a Montessori education, or project-based learning. The wide range of thematic orientations present in charter schools is evidence of one intent of the movement which is to provide innovative curriculum for students and families who desire a specific type of educational environment.

Students attending charter schools are often as variable as the laws that govern the schools. Some charter schools are designed for a cross section of students similar to traditional public schools, while others are focused on a unique population such as students who are deaf, gifted and talented, at-risk for school noncompletion, or learning disabled.

### *Charter Schools and Special Education*[3]

One of the aspects of charter schools that is often cited as the most significant advantage is the right to operate without the burden of certain regulations. It is essential that everyone involved with charter schools understand that no exemption from any federal special education law or regulations, including Section 504 of the Rehabilitation Act of 1973, Title II of the Americans With Disabilities Act (ADA), and the Individuals With Disabilities Education Act (IDEA), can be granted. A state may waive portions of its own state laws and regulations or the requirement to abide by school district regulations, but no waiver is possible from federal requirements pertaining to students with disabilities.

With the wide range of students and school orientations, how do the charter school laws address special education and serve special needs populations? A review of the charter school laws reveals very few special education guidelines for individuals considering sponsoring or applying for a charter school. Most states specify that schools may not discriminate against students with disabilities, and some states require that a certain number of charter schools serve at-risk student populations; but, there is little to no guidance in charter school legislation on how special needs students should be served once a charter school is established.

Since charter schools are so new, there are few research findings to inform those interested in the operation of charter schools and the implementation of special education services. The most closely related research is from the Enrollment Options Project at the University of Minnesota. By state law, students in Minnesota public high schools have a variety of choices: juniors and seniors in high school can take a course in any college in the state and receive credit; dropouts and students at risk of dropping out can apply to enroll at any regular or alternative public school in the state, or any private alternative school that contracts with a public school district. Researchers have examined these school choice policies and their impact on students with disabilities for several years. They have identified issues in three areas: outcomes, implementation, and demographics (Ysseldyke, Thurlow, & Nathan, 1991; Lange, 1995). Their examination of other options and related issues addresses what happens to students with disabilities when school choice policies are implemented.

The results of this research on Minnesota's open enrollment, post secondary enrollment option, and second chance option indicate that students with disabilities and special needs are accessing school choice options in numbers equal to or greater than the proportion of special needs students in the state. Currently, over 10 percent of students participating in Minnesota's open enrollment option are students with disabilities. Nearly 30 percent of students enrolling in Minnesota's alternative schools through the second chance school choice option for at-risk secondary students are students who have received special education services (Lange & Lehr, 1997). Likewise, nearly six percent of students enrolling in post secondary institutions through the post secondary enrollment option are students with disabilities (Lange & Ysseldyke, 1992). If charter schools follow the same path, there are, and will continue to be, significant numbers of students with disabilities enrolled in these schools of choice.

Currently, researchers with the Enrollment Options Project are reviewing Minnesota charter school legislation and special education implementation. Preliminary findings indicate that many charter schools do not have a formal plan in place for serving students with disabilities when they begin operation. There are so many competing interests in the early years of operation that special education is being implemented as the school evolves. A research report, published by the Minnesota House of Representatives, notes the problems charter schools encounter when considering special education. "Charter schools faced two problems in terms of special education: many were unfamiliar with the special education funding process, and they were unprepared to provide assessments and services needed. Some charters simply assumed that the resident district would provide any services they required" (Urahn, 1994, p.48).

A review of special education in Colorado's charter schools (McLaughlin, Henderson, & Ullah, 1996) found there to be confusion about special education provisions particularly in the area of waivers for services. "State legislative provisions certainly govern access, but language pertaining to what can and cannot be waived, as well as what charter schools are obligated to consider for special education students and other special populations is often ambiguous" (p. 45). McLaughlin et al. point out the difficulty that emerges when schools are chartered to provide new and innovative educational delivery services. They suggest that "information and support [to charter schools] not impinge on the governance of charter schools nor disrupt the balance between regulation and autonomy" (p. 49). Yet, they also note that charter schools need considerable information about special education in order to provide the best services possible for special needs students.

Szabo & Gerber (1996), in an article discussing special education issues and charter schools, note that there are several special education issues that need to be considered when charter schools begin operation. These include:

- resources available to charter schools to implement the Individuals with Disabilities Education Act (IDEA) that requires a free appropriate public education for students with disabilities;
- availability of special education professionals to serve in charter schools and implement the IDEA provisions;
- mandated testing and evaluation concerns.

Individuals involved in the development or monitoring of charter schools have several issues to consider as they determine special education services. Three questions summarize the major areas:

1. Who is responsible for special education services?

Who takes responsibility for the delivery of special education service within a charter school may vary depending upon the state or even the school district in which the charter school is located. In some cases, the charter school may find itself totally responsible for identification, assessment, and service delivery tasks. In other cases, these are deemed the responsibility of the sponsoring or host district. In yet other cases, responsibility for these services may be negotiated with the host district.

2. How are special education services delivered?

Determining how the charter school's educational delivery model integrates with special education services is one of the issues to be considered. One of the first issues to address is whether the delivery model for special services is aligned with the charter school's mission and goals. In addition, charter school operators must determine who will deliver special education services, under what instructional model the services will be delivered, and where the services will be delivered. Central to this process is understanding how special education laws will be implemented within the context of the charter school. It is essential charter school operators understand federal and state special education laws and regulations as they consider service delivery issues.

3. How are special education services funded?

In order to receive payment for special education services, charter schools must be aware of the requirements and the procedures for obtaining funding. As noted by the Great Lakes Regional Resource Center (1995):

> Funding special education students is a complex process. Often when a charter school is set up, the administrators are not familiar with the rules governing special education funds. They may have to hire someone to teach them the process. Also, many times they are not aware of the costs of testing and evaluating these students. The money may not be supplied by the resident district, depending on the law, but charter school administrators may not be aware of this until later (p. 2).

Each of these questions must be addressed when considering opening and operating a charter school and implementing programs for special needs populations. Answers to the questions will affect how special education is delivered at individual charter schools. The answers, however, may differ depending upon an individual school's charter, the charter school law, or negotiated arrangements.

The remainder of this handbook provides information on issues that may arise when charter school staff and parents consider special education. It begins with a brief background on special education law. Then, the remaining material is presented in question-and-answer format to enhance access and clarity. Additional information on some specific points in the law are contained in a series of Endnotes that begin on page 31. This document is offered in the hope that understanding the issues and the laws protecting the rights of students with disabilities will help those involved to avoid preventable problems in charter school program planning and implementation.

## A BRIEF HISTORY OF SPECIAL EDUCATION

Access to equal educational opportunity and due process was a hard fought battle for children with disabilities and their families. Educational opportunity for children with disabilities has changed dramatically due to court and legislative rulings and initiatives. As charter schools implement programs and services for students with disabilities, it is important to understand why the protection is so valued and important to children with disabilities and their families.

For most of the nation's history, children with disabilities were not given a right to the same educational opportunities as their nondisabled peers. Children with disabilities could be excluded from a public education, and it was not until the 1950's that educational practices that had been in place for more than a century were successfully challenged. In 1954, the

Supreme Court's ruling in Brown v. Board of Education set aside the doctrine of "separate but equal." In the late 1960s and early 1970s, several federal and state court decisions struck down state laws that denied an equal educational opportunity to students now covered by federal disability laws. These cases followed the Supreme Court's reasoning in Brown and applied it in invalidating such laws. "The Court's legal reasoning laid the groundwork for establishing an equal education opportunity for children with disabilities" (Fiedler & Prasse, 1996, p. 30).

Legal findings were in place to challenge the status quo and provide an equal education opportunity for students with disabilities. Three cases proved to be crucial to the interpretation of the earlier ruling (Fiedler & Prasse, 1996; Hunt & Marshall, 1994; Heward & Orlansky, 1992). These cases, brought forth in the 1960's and early 1970's, provided a clearer interpretation of the educational rights of children with disabilities. In 1969, Wolf v. Legislature of the State of Utah was the first major case challenging a state's practice of denying children with disabilities access to a public education. In Wolf, a parent sued the state of Utah on behalf of their 12 year old daughter who was identified as having mental retardation. The parents sued the state for denying their daughter access to a public education. The court decided in favor of the Wolfs and "described education as a fundamental and inalienable right and concluded that segregation of [their daughter] from the public school system had a detrimental effect on her and others like her" (Fiedler & Prasse, 1996, p.31).

A landmark case {see Endnote #1} on the road to providing public education to children with disabilities was Pennsylvania Association for Retarded Citizens (PARC) v. Commonwealth of Pennsylvania (1972). Parents of 13 children with mental retardation brought suit against the Commonwealth of Pennsylvania on behalf of all persons with mental retardation in the state between the ages of six and 21. They argued that the exclusion of these children from public education was a violation of the equal protection and due process clause of the Constitution's 14th Amendment. The court ruled in favor of the parents and "established that children with disabilities could benefit from an education and that the state was obligated to provide that education. It further recognized that procedural due process was a necessary part of delivering the program, in that the process of classification could result in harm to a child" (Fiedler & Prasse, 1996, p. 32).

That same year another case was decided that applied to all children with disabilities, not just those with mental retardation. Mills v. Board of Education of the District of Columbia (1972) was brought on behalf of seven school-aged children and on behalf of thousands of other children who were not receiving access to education in the District of Columbia. The parents of 12 year old Peter Mills (the named plaintiff) brought suit against his school district claiming he was not provided due process as a result of exclusion from his elementary school based on alleged behavior problems. The court found the school district in violation of its own statutes and regulations in failing to provide publicly supported specialized education. It was in this case that the phrase "equal educational opportunity" was first used for individuals with disabilities. "Once again, differential treatment--separation or otherwise--that effectively resulted in the denial of a free and appropriate public education to individuals with disabilities was struck down by the court as unconstitutional" (Fiedler & Prasse, 1996, p. 33). In response to these and other court rulings, Congress took action through legislation that encouraged states to provide or expand programs for students with disabilities. Through a series of education laws passed in the 1960's and 1970's, Congress addressed some of the issues being raised in the courts. The importance of providing an education to all students, regardless of disability status, was being recognized.

In 1975, Congress enacted Public Law 94-142, the Education for All Handicapped Children Act, requiring states to adopt goals ensuring full educational opportunity for children with disabilities as a condition for receiving federal funds. This law was designed to provide full educational opportunity for children with disabilities, and it outlined the procedures for delivery of services in public school systems. It has since been renamed the Individuals with

Disabilities Education Act (IDEA) with modifications added through the years. Although Part B of IDEA is permanently authorized, other parts of the law are currently under reauthorization, and several modifications for Part B are also being discussed.

## STATUTORY AND CASE LAW FRAMEWORK

The IDEA, together with Section 504 of the Rehabilitation Act of 1973, serves as the cornerstone of legislation that protects the educational rights of children with disabilities. The IDEA and its Regulations provide the procedural road map for teachers, parents, administrators, and state education agencies as they adopt policies and procedures for educating all students within their states, schools, and school districts. Understanding IDEA and the legal concepts that are the foundation of the law is essential for all charter school operators as they contemplate providing special education services.

***What are some of the major legal concepts that should form the basis for delivering special education at charter schools pursuant to IDEA/Section 504?***

The following six concepts underlie special education statutes, regulations, and case law (Fiedler & Prasse, 1996):

- **Zero Reject**
  "All children are to be afforded an equal education opportunity and states may not deny an education on the basis of a disability" (Fiedler & Prasse, 1996, p. 37). Although there are some variations based on state law, this principle generally applies all children beginning at age three through age 21 inclusive.

- **Individualized Education Program**
  The IDEA requires that a written statement called an Individualized Education Program (IEP) must be developed in accordance with IDEA regulations for all students identified as having a disability and receiving special education services. In general, the IEP includes current educational level, annual goals, specific educational objectives, special education and related services to be provided, dates for initiation of service, anticipated duration of service, and evaluation criteria. Under certain circumstances, there are other requirements such as a plan for transition services. (Specific regulatory language on the content of the IEP is contained in Endnote #2.)

- **Free Appropriate Public Education (FAPE)**
  What is deemed "appropriate" is not specifically defined in IDEA. Court decisions over the years have helped define appropriate in specific instances. What constitutes an appropriate program for an individual student is to be determined on a case-by-case basis depending on the unique needs of that student. Through due process procedures, both parents and school districts may challenge what the appropriateness of a special education program for an individual child.

- **Least Restrictive Environment (LRE)**
  The IDEA provides that students with disabilities must be educated to the maximum extent appropriate with their nondisabled peers. The law {see Endnote #3} expresses a preference, not a mandate, for educating students with disabilities in regular classes with appropriate supplementary aids and services. Several court decisions (Daniel R.R. v.Texas State Board of Education, [1989]; Oberti v. Bd. of Educ. of the Borough of Clementon) have construed the LRE provision and have enumerated three factors to consider when determining whether a placement is appropriate. They are:
    a) a comparison between the educational benefits available to the disabled student in the traditional classroom with appropriate supplementary aids and services, and the benefits available to that student in a special education classroom;

    b) the non-academic benefits to the students with a disability from interacting with nondisabled students; and,

c) the degree of disruption of the education of other students resulting in the inability to meet the unique needs of the disabled student.

- **Due Process and Parental Involvement**
Due process considerations are central to the implementation of IDEA. Parents must be notified of the intent to evaluate their child for services, and they must consent to an initial evaluation before it begins. They must also be involved in the IEP process and provide consent to the initial placement. Consent means parents have been fully informed in their native language or other mode of communication, understand and agree in writing to the plan and the release of specific records, and understand that consent is voluntary. As in other instances, state special education laws sometimes add to the federal requirements.

- **Nondiscriminatory Evaluation**
There are specific legal requirements that have been put in place concerning the evaluation of children. It is important to understand that IDEA requires that tests and other evaluation materials:
    - are provided and administered in the child's native language or other mode of communication;
    - have been validated for the specific purpose for which they are used;
    - are administered by trained personnel;
    - include those tailored to assess specific areas of educational need and not merely those designed to provide a single general intelligence quotient; and,
    - accurately reflect the child's aptitude or achievement and not reflect the child's impaired sensory, manual, or speaking skills.

### *What is the law concerning educating students with disabilities?*

Special education is governed by both federal and state laws. There are two federal laws with implementing sets of regulations that govern the provision of special education for students with disabilities.[4] The following is a summary of the major points of the federal laws.

#### *Section 504 and the ADA*

In addition to IDEA, there are two federal laws enforced by the U. S. Department of Education's Office of Civil Rights (OCR) that govern the provision of educational services to students with disabilities. Meeting the requirements of these laws is a condition of receiving any federal financial assistance including IDEA funds. Section 504 prohibits discrimination on the basis of disability by recipients of federal funds. The Section 504 regulation contains free appropriate public education requirements that are similar to the IDEA Part B requirements. In addition, Title II of the Americans With Disabilities Act of 1990 (ADA) extends Section 504's prohibition against discrimination on the basis of disability to all activities of state and local governments, whether or not they receive federal funds. This includes school districts that receive federal funds as well as entities such as public libraries that do not receive federal funds. Individuals who may not be eligible for services under IDEA still may be covered by Section 504 and ADA, and school districts may be required to extend the protections of those laws to students covered by those laws who attend charter schools.

#### *Individuals with Disabilities Education Act (IDEA)*

Public Law 94-142 or The Education of All Handicapped Children Act was passed in 1975 and, with its implementing regulations, went into effect in October of 1977. The major purposes of the law are:

- To guarantee a "free appropriate public education," including special education and related services designed to meet the unique needs of all children and youth with disabilities.
- To assure the rights of children and youth with disabilities and their parents or guardians are protected (e.g., fairness, appropriateness, and due process in decision-making about providing special education and related services to children and youth with disabilities).
- To assess and assure the effectiveness of special education at state and local levels of government.
- To financially assist the efforts of state and local governments in providing full educational opportunities to all children and youth with disabilities through the use of federal funds.

The IDEA provides federal funds to assist states and localities in the education of children with disabilities. In order to receive the funds, states must assure that:

- All children and youth with disabilities have available to them a Free, Appropriate Public Education (FAPE).
- Education will be based on a complete individual evaluation and assessment with nondiscriminatory evaluation and placement procedures.
- An Individualized Education Program (IEP) will be provided for each child being served in special education.
- Children will be educated in regular classes with appropriate supplementary aids and services to the maximum extent appropriate.
- Parents must give consent for an initial evaluation and initial placement, be notified of any change in placement that may occur, and be invited, along with teachers, to conferences and meetings to develop individual education programs.
- Parents have the right to initiate a due process hearing to challenge a decision regarding the identification, evaluation, or educational placement of their child. A decision may be appealed to either a higher hearing level (if the state has a two-tier due process system) or to an appropriate state or federal court.
- Parents have the right to examine their child's education records. IDEA contains confidentiality requirements that are modeled after those in the Family Educational Rights and Privacy Act of 1974.
- School systems will carry out a systematic search (referred to as child find) for every child with a disability in need of public education.
- Clear communication to parents that education and related services are provided at no cost to them. {See Endnote #4}
- Evaluations are not based on a single testing instrument.
- Emphasis must be placed on educating children with their nondisabled peers to the

maximum extent appropriate (NICHCY, 1991).

The most substantial changes in the IDEA since original passage have been the additional eligibility of infants and toddlers through Part H added in 1986, and provisions on transition services added in 1990.

***How is a disability defined under IDEA?***

IDEA law and regulations specify 13 categories of disabilities which are:

- mental retardation
- hearing impairments, including deafness
- speech or language impairments
- visual impairments, including blindness
- serious emotional disturbance
- orthopedic impairments
- autism
- traumatic brain injury
- other health impairments
- specific learning disabilities
- deaf-blindness
- deafness
- multiple disabilities.

A description of each of these disability categories can be found in the glossary of terms in Appendix B.

***What steps must schools follow to provide special education services to a student with a disability?***

The following is a summary of the general steps that are prescribed by IDEA for providing educational services to a child with a disability.

*Preplacement Evaluation:*

A preplacement evaluation is conducted when a student is suspected of having a disability and must be a full and individual evaluation of the student's unique educational needs. As mentioned above, parental written consent must be obtained before an evaluation can be conducted. A notice must include what is being proposed, reasons for proposal, evaluation procedures, and an explanation of parent rights and procedural safeguards. An evaluation may be requested by parents, students, or school personnel.

*Evaluation Process:*

Evaluations must be conducted by a multidisciplinary team. The team must include at least one teacher or other specialist familiar with the suspected disability. The results of the evaluation must be based on more than a single procedure or assessment and tests must not be racially or culturally biased. The student must be assessed in all areas related to the suspected disability. These related areas must include if appropriate: health, vision, hearing, social and emotional status, general intelligence, academic performance, communicative status, and motor abilities.

*Evaluation Results:*

Results from assessments are reviewed by the team to determine eligibility for special education and related services. After eligibility is determined, parents must be invited to meet with school personnel to discuss the results and the IEP.

### *What is an individualized education program (IEP) and how is it implemented?*

The term IEP as used throughout this document has two main parts: the meeting where decisions are made about the program for the student, and the written statement of the decisions reached at that meeting. It is the blueprint for action. Every child receiving special education services is required to have an IEP. The written IEP has two purposes:

1. to establish learning goals for the child, and
2. to specify the instruction and services the school district will provide.

After it has been established that a child is eligible for special education, a team consisting of teachers and parents meets to determine the IEP for the student. Each of the areas listed below is covered in the meeting. This meeting is particularly important to ensure that the student's needs are discussed fully by parents and school personnel so that informed decisions can be made about the instruction and services to be provided to the child. An individualized education program (IEP) will include information about the following (Hunt & Marshall, 1994; Heward & Orlansky, 1992):

*Current educational performance:*

Multiple assessments that are without cultural or racial bias must be conducted to measure current educational performance during the evaluation process. The results of the assessments are presented at the IEP meeting.

*Specific special education and related services:*

It is in the process of developing the IEP that the staff, parents, and students (age 16 and older, younger if appropriate, when the meeting includes consideration of the need for transition services) determine what services will be provided and how they will be provided. The school is responsible for providing services that become part of the IEP until those services are no longer listed on the IEP. It is up to the IEP team to decide what, how, where, and by whom services will be provided. The school is not restricted by any particular model for the delivery of services. However, the child's educational program must be provided in the least restrictive environment, that is, the educational setting must be one where the child with a disability can be appropriately educated with students without disabilities to the maximum extent appropriate. If a setting other than the regular classroom is determined appropriate for the student, the setting chosen should be one that maximizes opportunities for interaction with nondisabled peers.

*Annual goals including short-term instructional objectives:*

Goals and objectives are usually determined at the IEP meeting, and staff are assigned responsibilities for meeting the goals and objectives. This provides an accountability system for the child and the parents to ensure the IEP decisions are acted upon. {See Endnote #5}

*Starting date and duration of services:*

The starting date of services must be as soon as possible after the IEP meeting. Subsequently, IDEA requires that a meeting be held at least once a year to review and, if appropriate, revise each student's IEP.

*Measuring the accomplishment of short-term objectives:*

Participants at the IEP meeting also determine how the short-term objectives will be measured. This is important for parents and the students to know, as it provides an expectation of how the student's outcomes will be assessed.

After an IEP as been established, school personnel must provide the instruction and services agreed upon at the meeting. There is a wide range of models for serving students with disabilities. They can range from consultation in the classroom by a special educator, to a pull-out program such as a resource room, or special class for tutoring, or small-group instruction, to a placement in a specialized school. (See Endnote #6).

It is important to note that federal and state law do not make schools or teachers liable for achieving goals included in the IEP, only for providing the services prescribed in the document. This is an essential distinction that illustrates the importance of a clear understanding of applicable law by charter school personnel.

### *What are related services?*

Related services are supportive services to assist a child with a disability to benefit from special education. Related services and, if indicated, the need for assistive technology devices (e.g., an item, piece of equipment, or product used to increase, maintain, or improve functional capabilities of children with disabilities) are also determined at the meeting and listed on the IEP. If related services are required, the school must provide these services. Related services may include:

- audiology
- psychological services
- physical therapy
- occupational therapy
- medical services for diagnostic or evaluation purposes only
- school health services
- recreation, including therapeutic recreation
- counseling services, including rehabilitation counseling
- early identification and assessment of disabilities in children
- social work services in schools
- transportation
- speech and language services
- parent counseling and training.

### *Are students with disabilities re-evaluated?*

A review is conducted once a year at which time the IEP is reviewed and a new IEP is written for the next year. In addition, students with an IEP must be evaluated at least every 3 years after placement in special education. Re-evaluations will be conducted more frequently if requested by the teacher, staff, or parents or if conditions warrant.

### *What if parents do not want their child to receive special services or disagree with the recommended services?*

Parents can deny permission to have their child evaluated or to place their child in special education by denying consent in writing and submitting it to the school. States have established procedures for schools and school districts to follow if school personnel want to pursue the recommended evaluation or placement despite parental opposition. Parents must be notified if the school decides to continue seeking placement.

If parents disagree with recommended instruction and services and the individualized education program cannot be agreed upon through the IEP process, parents can 1) consult with staff members about the IEP; 2) request an IEP review; 3) go through a negotiation or mediation with the school; 4) initiate an impartial due process hearing; or , 5) use the state complaint procedures (NICHCY, 1993).

### *What about discipline?*

There is currently considerable debate over discipline procedures for students with disabilities. In April 1995, OSEP issued a memorandum containing Questions and Answers on Disciplining Students with Disabilities (OSEP-95-16) to provide guidance about IDEA, Section 504 and ADA requirements that are relevant to discipline issues. In addition, many states have established specific conditions under which students with disabilities may be suspended in their school districts. Charter school personnel should be aware of applicable federal and state regulations when considering disciplinary action for a student with a disability. Also, discipline procedures for students with disabilities are currently being addressed in Congress under IDEA reauthorization that may change future handling of discipline issues.

### *What are transition services and how are they implemented?*

The requirement for needed transition services for students with disabilities beginning at the age of 16 (or, if appropriate, for students under age 16) was a significant addition when IDEA was amended in 1990. IEPs must state the transition services needed to prepare the student for transition from school to postschool world. The responsibilities of the school and outside agencies for providing or paying for transition services must be delineated on the IEP. Transition services are defined as "a coordinated set of activities for a student, designed within an outcome-oriented process, that promote movement from school to post-school activities, including:

- postsecondary education
- vocational training
- integrated employment (including supported employment)
- adult services
- independent living
- community participation.

### *How is special education funded?*

The federal government pays only a small portion of special education costs (Parrish, 1996). State and local funds support the bulk of the education of children with disabilities. The manner in which these funds are received by schools and school districts varies by state.

It is imperative for charter school operators to learn how special education funds are handled in their state. They must determine what conditions they must meet in order to receive special education funds, and how special education funds are disbursed to the school or school district. Payment of special education funds usually involves considerable documentation of services, personnel, and related services. Setting up a resource management system is essential when dealing with the reimbursement of special education funds. Whether the state or host district can assist in this process will be determined by the state law or by the relationship between the charter school and the host district. Some charter schools have hired consultants to assist in the development of a system for fund reimbursement. It can be quite complicated and time consuming, and the advice of an experienced special educator or business manager can save the charter school considerable time and resources.

Many services, including the cost of consultants, are allowable expenditures with IDEA funds. Understanding which expenses can be reimbursed, at what rate, and what needs to be documented is an essential part of operating a charter school. It is always important to remember that the intent of state and federal law is to ensure that children and youth with disabilities receive a free appropriate education. The funds available through the federal and state governments are intended to assist schools in meeting federal and state requirements.

### *What are the essential components of a special education program that charter schools should consider?*

Below is a summary of 15 general components that may be helpful for charter schools to consider when establishing special education services for students with disabilities (Minnesota Department, 1996, p. xvii). These are listed as a starting point for staff and parents at charter schools as they begin the process of providing a free appropriate public education for all eligible students. Whether these components are available within the charter school or in conjunction with a school district or state education agency will generally depend upon the charter school law in each state or the specific provisions of each school's charter.

*Identification:*

the continuous and systematic effort to identify, locate, and screen students birth through 21, who are in need of special education services.

*Referral:*

a formal, ongoing process for reviewing information related to students who are suspected of having disabilities and show potential signs of needing special education and related services. Assessment referral is the process of looking at a student's screening information and making a decision about whether or not to conduct a formal educational assessment.

*Assessment or reassessment:*

the process of utilizing formal and informal procedures to determine specific areas of a person's strengths, needs, and eligibility for special education services.

*Individualized education program (IEP) planning:*

the process of determining a pupil's educational needs, based on assessment data, and completing a written IEP program.

*Instructional delivery of programs:*

the system the local education agency (LEA) uses to ensure that a continuum of alternative placements is available to meet the needs of pupils with disabilities for special education and related services.

*Staffing:*

refers to the identification of the required and qualified personnel to deliver the prescribed program according to a pupil's needs.

*Facilities:*

the actual locations of schools and classrooms and the settings of classrooms within the schools which allow pupils with disabilities access to programs and interactions with students who do not have disabilities.

*Parent involvement/due process:*

refers to the parental rights and responsibilities, according to state and federal laws, rules, and regulations, in all aspects of acquiring, developing, planning, and implementing special education and related services for pupils with disabilities and any legal challenges to any aspect of a free appropriate public education.

*Personnel development:*

the structure for personnel planning that focuses on preservice and inservice needs in order to plan a program to meet the needs of pupils with disabilities.

*Interagency relations:*

refers to the collaboration and coordination of agencies to provide services to pupils with disabilities.

*Transportation:*

the physical movement of pupils with disabilities between homes and instructional facilities for both regular and special education programs and activities.

*Instructional resources:*

refers to the specific supplies, equipment, and instructional materials appropriate to meet the needs of individual pupils with disabilities.

*Coordination with other educational programs:*

the process that schools or districts use to provide special education within the context of all other educational programs. Included is an array of programs, some of which are state mandated educational programs and others which are federally mandated educational programs.

*Fiscal resources:*

the means for purchasing and/or obtaining the supplies, materials, equipment, services, and personnel required to provide programs for pupils with disabilities. Reporting refers to the financial accounting that must be submitted to state and federal agencies, and supporting documentation that provides the required information for an audit.

*Governance:*

the administrative structure and long range plans through which the special education system operates.

***What about laws pertaining to school choice and special education?***

Since there are no laws or decisions that detail the relationship between special education and charter schools, cases pertaining to the participation of students with disabilities in similar structures and arrangements such as school choice options, open enrollment and intradistrict choice programs, can be informative. Based on three cases brought before the Office of Civil Rights that involved the denial or lack of special education services in alternative schools, a magnet school, and an intradistrict choice plan, McKinney and Mead (1996) maintain that school choice programs must consider students with disabilities and the availability of a free and appropriate education. These authors conclude, "Students with disabilities must be given access to intradistrict-choice programs and services. Schools cannot legally exclude or enforce eligibility standards that categorically exclude 'otherwise qualified' students or groups of students from intradistrict-choice programs" (p. 115). They list four principles of meaningful choice that should be followed to be in compliance with current laws (p. 125):

1. Disability status cannot be used as a criterion for noneligibility in the choice program. [Section 504];
2. State education agencies and school districts involved in choice must recognize that their obligation under both Section 504 and the IDEA to provide eligible children with FAPE [free appropriate public education] cannot be abrogated by allowing parents the latitude to choose schools. [16 EHLR 554, 1990];

3. Reasonable steps must be undertaken to ensure that the choice system as a whole makes available a broad range of specialized services and programs to provide FAPE. [Alexander v. Choate]; and,

4. Procedures used for parents to elect choice must not create any diminishment of the procedural rights guaranteed under either Section 504 or the IDEA. [16 EHLR 554, 1990].

## ISSUES FOR CHARTER SCHOOLS IN THE IMPLEMENTATION OF SPECIAL EDUCATION

Charter schools are forging new territory in education and there are issues that arise when considering special education in this new educational entity. How charter school laws and special education laws interact and are implemented raise several issues for persons operating or contemplating opening a charter school. The State Education Agency (SEA) has the ultimate responsibility for assuring the provision of a free appropriate education for each student with disability who resides in that state. Although clarification is needed on issues related to federal special education policy, charter schools must rely on the SEA for responses concerning the application of federal and state policy in specific cases.

Below are a list of questions that those associated with charter schools should consider as they design and implement their schools. There are no conclusive answers to many of the questions presented below. In some cases, specific answers are not yet available; in other cases, the answer depends upon a state's charter school law. They are, however, important issues, and their careful consideration may help charter schools find appropriate direction for the proper implementation of special education.

### *What is the philosophical orientation of the school toward serving students with disabilities?*

By their very nature, charter schools have a particular orientation toward the delivery of educational services that may be manifested in a specific curriculum, student population, or parent focus. Even before opening, charter school personnel need to ask themselves how they intend to serve special needs populations and how their school mission aligns with their vision of special education. Laws protecting the rights of students with disabilities do not prescribe a particular service delivery model. As discussed in the previous section, what is important is that the school follow the basic requirements delineated in IDEA and assure that there is no discrimination for educational service based on disability status. If IDEA provisions are followed, a charter school can develop a model for special education delivery that is both legally defensible and in line with their mission.

Ideally, special education should be considered early in the process so as to align the school's mission for all students. Viewing special education within the context of the charter school's mission will help define the special education delivery model and may move the whole school toward a more innovative model of educational delivery. Some of the questions that charter school operators should ask themselves at this stage are:

- Are opportunities available for students with disabilities to receive services within the innovative model available for students without disabilities?
- Can charter schools use their independent status to create innovative models of special education service delivery within the scope of IDEA?

### *How will staff identify and serve students with special needs?*

It is important that the charter school has a process in place for the identification of students with disabilities and the provision of services as contained in each IEP for those students who enroll and already have an IEP. On this point, charter schools must respond to:

- Who is responsible at the school for identification?
- How will students be evaluated?
- What role will the host or sponsoring school district play in identification of students with disabilities?
- How will the charter school deal with an IEP written by another school or school district?
- Who will make decisions about special education services?
- Will a multidisciplinary team be in place prior to school opening to deal with preevaluation questions and concerns?

***Who is responsible for serving students with disabilities?***

Those interested in opening a charter school should determine how the law is being interpreted in their state with regard to responsibility for serving students with disabilities. Responsibility may lie with the charter school, the host district, or some other educational entity. Whether it is required or not, this issue is best addressed in the school's mission statement and/or initial operating plan. If the charter school is responsible for all services, it must be decided how, by whom, and where service will be delivered, including allocating resources, both in personnel and in funds, to develop the special education program. If the state charter school law allows for negotiated agreements between the charter school and school districts or other educational organizations, these agreements are best made prior to opening the school to alleviate any confusion over responsibility. Charter school personnel should seek the best advice to determine responsibility of service delivery and have a plan for providing service. Some questions to ask state charter school officials are:

- Who is responsible for the identification of children with disabilities at the charter school?
- Who will provide the assessments?
- Will funds be available to provide these assessments?
- Who is responsible for delivering special education and related services?
- Where will service take place (e.g., If the host district provides services, will it occur at the charter school or in one of the host district's schools)?
- Whose staff will provide service?
- Can the required continuum of services be negotiated with the host district or does the school need to provide all services?
- Will the state agency provide assistance in organizing the special education financial management system?

***What steps must charter schools take to ensure that appropriate services are provided to students with low-incidence disabilities?***

Some students with disabilities that are considered low incidence (e.g., deafness, blindness, autism, etc.) may enroll in the charter school. Providing services to these individuals, when the school is often small with limited resources, may be difficult. Again, it is necessary to receive clarification from the state education agency about providing service to students with low incidence disabilities. If the charter school does not have access to all the necessary services, arrangements may be made for working with the host or sponsoring district. The importance of having an evaluation team in place to consider identification and program questions is again apparent. Often charter schools do not have special education staff. It may be in their best interest and the best interests of the students with and without disabilities for schools to consider special education teachers as part of their personnel team or consultative staff. A knowledgeable special educator can help answer these questions or ask state personnel necessary questions about special education service.

### *Who pays for the services?*

Who pays for the services associated with the education of students with disabilities is often at issue and varies from state to state. "There is generally no mechanism specified in law for these schools to share costs or personnel with other district schools or to draw upon the expertise of district staff members who specialize in special education assessments and funding" (Buechler, 1995, p. 31). It is extremely important for charter schools to communicate with the host or resident school district when determining special education services. Since federal and state funds often do not cover the total costs of implementing an IEP, charter schools may be left with the responsibility of covering the excess costs. If the charter school has negotiated services or payment for services prior to operation and has planned for the management of the funds, many potential problems can be avoided. If the charter school staff or designated consultants are not familiar with special education funding requirements and the linkages between other federal and state funding sources (e.g., Title 1), they may lose a considerable amount of financial resources that are necessary to operate the school efficiently. The funding of special education is complex and frustrating for those without experience in the area. It would be extremely helpful for charter schools to receive assistance in this area from either their state education agency, consultant, or staff special educator.

### *How will transportation needs be met?*

Some students with disabilities have transportation services written into their IEP. Determining who is responsible for the costs and logistical arrangements for this transportation is important for charter schools to consider. Does the charter school arrange for transportation? Is transportation the responsibility of the resident district? Are there funds available for the reimbursement of transportation costs? Will these be received at the charter school, or are they paid directly to the transportation provider? Getting the answers to these questions will mean fewer unexpected costs or time burdens for staff.

### *What personnel certification and licensure issues need to be considered?*

One of the issues to be resolved for charter schools is the availability of special education staff. Often related service staff in the areas of speech and language and psychological services are in demand by many schools and districts. Charter school personnel should be aware that they may need to develop relationships with a number of schools, school districts, or consulting personnel to fill their need for specialized staff. Understanding the requirements concerning staff licensure and special education is important for charter school personnel. IDEA delineates the necessity of a person knowledgeable about the student's suspected disability being involved in the evaluation process. If the charter school does not have a special educator on staff, are there other options available to the school? Can a consultant be hired to do assessments? Are these services reimbursable expenses? What about service delivery? Will consultative services be accepted on the IEP? What if the IEP calls for more intensive services? How will the charter school provide these services without a licensed special educator on staff? Charter schools may want to consider a dual certified staff member (certified in special education and another discipline) or independent contractors.

***Can charter schools serve only students with special needs?***

Some charter schools are designed for students with disabilities. For example, Minnesota has a school designed specifically for special needs students. The Metro Deaf School provides education in American Sign Language as the first language. Those considering opening charter schools should research their state law and how other states are dealing with specialty charter schools.

***Can charter schools receive waivers for certain special education requirements?***

The answer to this question is "maybe." Some states allow charter schools blanket waivers from most or some of the state education laws, but a state cannot waive the requirements of IDEA or Section 504. Whether a state waives any of its special education requirements should be investigated by the charter school through contacting the state's charter school office or authority.

***What if the charter school has individualized learning plans for all students? Do they still need to complete an IEP?***

In order to be in compliance with IDEA, a school must follow the procedures outlined in the IDEA and its regulations. It is possible that those requirements may be met by incorporating the procedures into an individualized learning program for a child with a disability. Again, the specifics of complying with this aspect of IDEA and state law is a topic that should be addressed by charter school operators in consultation with state and district staff.

***What if a charter school is not an appropriate placement for a child with a disability?***

If a parent seeks to enroll a child with a disability in a charter school, FAPE must be made available to that student at the charter school, or another placement that is appropriate for the student must be offered by the entity responsible for educating the disabled student. If a charter school believes it is not the appropriate placement for the student, it should go through the IEP process providing rationale for the parents and other team members. Through this process, an appropriate educational placement and program can be determined. A preenrollment meeting or IEP review meeting prior to enrollment can assist parents, teachers, and students in meshing the child's needs with the charter school's services.

***What if a child's special education needs change after enrollment in a charter school?***

Student needs may change after enrollment in a different educational setting. If parents, school personnel, or the student believe that a student no longer requires special education services or the level of services previously provided, an IEP meeting can be initiated or a reevaluation can be conducted. It is through these procedure that program decisions can be evaluated and changed.

***Is the charter school legally liable in the area of special education?***

In some states charter schools are legally autonomous entities, while in other states they are not. Charter schools need to understand the implications of their legal status, especially how their status relates to issues that might arise for special education. For example, if a parent initiates a due process hearing about a child's program, a charter school may need to expend funds for legal fees. This can be a costly situation for a school with little capital and many needs. As noted is ASCD Education Update ("Charter Schools", Nov., 1995)."...issues that cause friction include whether the school or district will be responsible for special education and transportation services, and which entity is legally liable in the case of accidents or lawsuits " (p. 4).

## CONCLUSIONS AND RECOMMENDATIONS

A long history of exclusion of children with disabilities from a public education made it necessary to provide a means for ensuring the availability of a free and appropriate education, including applicable due process and procedural safeguards. The laws and regulations now in place were designed to protect the children and their parents, and also provide a guide for ensuring that the education is individually designed and appropriate to the needs of each child with a disability.

This has meant that educators must be aware of the law and the many provisions outlined in the law. For many charter school personnel, this is new territory. They must establish a system for educating all students, regardless of disability status, in their school, often without the assistance of a larger, experienced special education department.

As policymakers consider charter schools and their impact on the educational system, they should be aware of the many questions that are still unanswered concerning the implementation of special education in charter schools. The variation inherent in this new type of school may require new interpretations and added flexibility in the application of specific requirements. Additional guidance is needed for charter school leaders and the sponsors of these schools. How each state answers the questions presented in this handbook may influence other policy decisions. Charter schools may also need additional resources as they implement special education. These resources may be in the area of consultative assistance or actual dollars to design and implement the required provisions of IDEA. The following recommendations and suggestions for charter school personnel and state department agency personnel are offered.

*For Charter School Personnel:*

- Consider special education and the charter school's philosophical orientation and mission in relationship to staffing, service delivery, inclusion practices, etc. when writing the proposal or planning the school's goals and objectives.
- Outline special education policies prior to opening the school.
- Contact state education agency personnel and ask about all aspects of special education, especially the state charter school and special education laws.
- Determine how special education funding works early in the process of developing the charter school to avoid delays in receipt of funds due to lack of information.
- Determine who will provide special education services prior to opening the school. For a school already in operation, prompt investigation of this issue is essential.
- Consider using an outside consultant or hiring a staff person to assist in setting up evaluation teams, procedures, and financial reimbursements.
- Be consistent in the delivery of educational services for all students and be innovative in special education also. The laws do not prescribe specific service delivery strategies nor do they preclude new ways of service delivery.

*For State Agency Personnel:*

- Be prepared to answer questions regarding special education services. Assign a staff person or prepare a fact sheet to assist charter schools in this area.
- Have information available for charter school personnel that can help them understand the complex topic of special education funding and explain what they need to know.
- If the state education agency cannot provide direct service to charter schools, provide

a list of consultants that might be able to assist them on special education issues.

- Develop coordinated guidelines with the state's special education department, the charter school office or contact person, and other related departments for service specific to the state. School districts and charter schools need to know what is expected of them.

This handbook has summarized the charter school movement, the issues that arise when charter schools consider special education and students with disabilities, the rationale behind the laws protecting students with disabilities, and many of the procedures necessary to ensure equal educational opportunity. There are many challenges in starting a new school in areas such as curriculum, finance, enrollment, staffing, etc. Special education and its implementation is another challenge faced by staff as they open and operate a charter school. The information presented here is intended to assist charter school operators in knowing the questions to ask and the issues to consider as they begin planning their schools and programs. Students with disabilities and special needs will be enrolled in charter schools as in all schools across the country. By knowing more about the laws and the issues, charter school operators, teachers, and parents will be better able to meet the unique needs of students with disabilities in this new type of school.

## FOOTNOTES

1. It is beyond the scope of this document to provide a detailed explanation of charter schools. An excellent source for that information is the recent book on the topic by Joe Nathan cited in the Bibliography, page 35.
2. The variation in state laws has resulted in wide differences in the number of charter schools in each state. Eight states have chartered 95 percent of charter schools, while the remaining five percent are located in another nine states. The other eight states with laws have not chartered any schools as of the fall of 1996 (Dale, 1996).
3. It is essential that charter school operators obtain complete information about laws and regulations that apply to the provision of special education, just as they must do for other applicable education requirements. Relevant materials are available through the department of education in every state. Copies of federal regulations governing the education of disabled students can also be obtained from the U.S. Department of Education's Office of Special Education Programs and Office for Civil Rights.
4. It is also important that charter school personnel be familiar with their state's specific legislation and regulations for special education programs and services. For the most part, state rules mirror federal requirements, but some states have additional components or have expanded the [*Editor's Note: Last few words of footnote unreadable.*]
5. Ysseldyke, James E. and Bob Algozzine, *Special Education: A Practical Approach for Teachers*, Third Edition. Copyright 1995 by Houghton Mifflin Company. Reprinted with permission.

## ENDNOTES

### *Endnote #1 - The Mills and PARC Cases:*

In the legislative history of the Education of the Handicapped Act (EHA) [the predecessor statute to the IDEA], Congress also took particular notice of two Federal court decisions which it termed "landmark." See PARC v. Pennsylvania, 334 F. Supp. 1257, 343 F. Supp. 279 (E.D.PA 1972) ; and Mills v. Board of Education of the District of Columbia 348 F. Supp. 866 (D.DC 1972) ; S. Rep. No. 168, 94th Cong., lst Sess. 6 (1975). In PARC, the court found that, having undertaken to provide free public education to all of its children, the Commonwealth of Pennsylvania could not deny any mentally retarded child access to a free public program of education. In Mills, the Board was enjoined from denying publicly supported education to children who had been labeled as behavioral problems, mentally retarded, emotionally disturbed or hyperactive. The court in Mills ordered "that no child eligible for a publicly supported education in the D.C. Public Schools, including children suspended or expelled, be excluded from a regular public school ... unless such child is provided (a) adequate alternative educational services suited to the child' s needs, which may include special education or tuition grants, and (b) a constitutionally adequate prior hearing and periodic review of the child's status, progress, and the adequacy of any educational alternative. 11 Id. at 878. These cases have had a significant impact on the rights and protections currently in place in Federal law for disabled students.

***Endnote #2 - IDEA §300.346 Content of individualized education program:***

(a) General. The IEP for each child must include

(1) A statement of the child's present levels of educational performance;

(2) A statement of annual goals, including short-term instructional objectives;

(3) A statement of the specific special education and related services to be provided to the child and the extent that the child will be able to participate in regular educational programs;

(4) The projected dates for initiation of services and the anticipated duration of the services; and

(5) Appropriate objective criteria and evaluation procedures and schedules for determining, on at least an annual basis, whether the short term instructional objectives are being achieved.

(b) Transition services.

(1) The IEP for each student, beginning no later than age 16 (and at a younger age, if determined appropriate), must include a statement of the needed transition services as defined in §300.18, including, if appropriate, a statement of each public agency's and each participating agency's responsibilities or linkages, or both, before the student leaves the school setting.

(2) If the IEP team determines that services are not needed in one or more of the areas specified in §300.18(b)(2)(I) through (b)(2)(iii), the IEP must include a statement to that effect and the basis upon which the determination was made.

{Authority: 20 U.S.C. 1401(a)(19), (a)(20); 1412(2)(B), (4), (6) ; 1414 (a) (5)}

***Endnote #3 - Least Restrictive Environment:***

Part B requires that, to the maximum extent appropriate, children with disabilities must be educated with children who are not disabled, and that special classes, separate schooling, or other removal of children with disabilities from the regular educational environment occurs only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily. This statutory requirement expresses a preference, not a mandate, for educating children with disabilities in regular classes alongside their nondisabled peers with appropriate supplementary aids and services. The overriding rule in placement is that each student's educational placement must be determined on an individual basis in light of his or her unique abilities and needs. Several court decisions construing Part B's LRE provisions have been instructive: Daniel R.R. v. Texas State Board of Education (5th Cir.) (1989) and Oberti

v. Bd. of Educ. of the Borough of Clementon (3rd Cir.) (1993). In determining if a placement is appropriate under Part B, the following factors are relevant:

- the educational benefits available to the disabled student in a traditional classroom, supplemented with appropriate aids and services, in comparison to the educational benefits to the disabled student from a special education classroom;
- the non-academic benefits to the disabled student from interacting with nondisabled students; and,
- the degree of disruption of the education of other students, resulting in the inability to meet the unique needs of the disabled student.

***Endnote #4 - Confidentiality:***

Parents have the right to examine their child's education records. IDEA contains confidentiality requirements that are modeled after those in the Family Educational Rights and Privacy Act of 1974 (FERPA). While FERPA does not protect the confidentiality of information in general, it prohibits the improper disclosure of information from education records and generally protects parents' and students, privacy interests in "education records." Information from education records may not be disclosed to third parties without obtaining the prior written consent of the parent or eligible student over eighteen years of age, unless one of the exceptions to the prior written consent requirement is applicable. For a further discussion of confidentiality of information requirements, see NICHCY News Digest No. 15, (1991).

***Endnote #5 - Interpretation of Requirements of Part B of the Individuals with Disabilities Education Act:***

I. Purpose of the IEP

There are two main parts of the IEP requirement, as described in the Act and regulations: (1) The IEP meeting (s) , where parents and school personnel jointly make decisions about an educational program for a child with a disability, and (2) the IEP document itself, that is, a written record of the decisions reached at the meeting. The overall IEP requirement, comprised of these two parts, has a number of purposes and functions:

a. The IEP meeting serves as a communication vehicle between parents and school personnel, and enables them, as equal participants, to jointly decide what the child's needs are, what services will be provided to meet those needs, and what the anticipated outcomes may be.

b. The IEP process provides an opportunity for resolving any differences between the parents and the agency concerning the special education needs of a child with a disability; first, through the IEP meeting, and second, if necessary, through the procedural protections that are available to the parents.

c. The IEP sets forth in writing a commitment of resources necessary to enable a child with a disability to receive needed special education and related services.

d. The IEP is a management tool that is used to ensure that each child with a disability is provided special education and related services appropriate to the child's special learning needs.

e. The IEP is a compliance/monitoring document that may be used by authorized monitoring personnel from each governmental level to determine whether a child with a disability is actually receiving the FAPE agreed to by the parents and the school.

f. The IEP serves as an evaluation device for use in determining the extent of the child's progress toward meeting the projected outcomes.

***Endnote #6 - Continuum of Alternative Placements:***

There is a requirement in the IDEA regulations that public agencies make available a continuum of alternative placements to meet the needs of children with disabilities for special education and related services, and that the options on this continuum must be made available to the extent necessary to implement the IEP of each student with a disability.

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Statutes:

Individuals with Disabilities Act, 20 U.S.C. 1401 et seq., 34 C.F.R. 300 35 seq. Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, 34 C.R.R. 104 et seq.

Case Law:

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1969).

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Nebraska Department of Education, 16 EHLR* 554 (OSERS 1990).
*Education of the Handicapped Law Report

## APPENDIX A: ADDITIONAL SOURCES OF INFORMATION

## ADDITIONAL SOURCES OF INFORMATION

**Clearinghouse on Disability Information-Office of Special Education and Rehabilitative Services (OSERS)**

Room 3132, Switzer Bldg.
330 C Street SW
Washington DC 2020-2524
202-205-8241 (Voice/TT)

**Center for Policy Research**
National Association of Institute for the Study of State Boards of Education (NASBE)
Exceptional Children and Youth Virginia Roach, Ed.D. Margaret McLaughlin, Ph.D.
1012 Cameron Street University of MD, 1220 Benjamin Building
Alexandria, VA 22314 College Park, MD 20742-1161
703-684-4000 301-405-6495
703-836-2313 (Fax) 301-314-9158 (Fax)

Consortium for Policy Research in Education
Margaret Goertz, Ph.D.
University of Pennsylvania
3440 Market Street, Suite #560
Philadelphia, PA 19104-3325
215-573-0700
215-573-7914 (Fax)

**Enrollment Options Project**

University of Minnesota
350 Elliott Hall, 75 East River Rd.
Minneapolis, MN 55455
612-624-5832 (Voice)
612-624-0879 (Fax)

**ERIC Clearinghouse on Disabilities and Gifted Education Council for Exceptional Children**

1920 Association Dr.
Reston, VA 22091-1589
800-328-0272

**National Association of State Directors of Special Education**

1800 Diagonal Road, Suite 320
Alexandria, VA 22314
701-519-3800 (Voice)
703-519-7008 (TDD)
703-519-3808 (Fax)
SpecialNet: http://www.lrp.com/index.html

**National Information Center for Children and Youth with Disabilities (NICHCY)**

P.O. Box 1492
Washington DC 20013-1492
800-695-0285 (Voice/TT)
202-884-8200 (Voice/TT)
202-884-8441 (Fax)
e-mail: nichcy@aed.org
World Wide Web: http://www.aed.org/nichcy

**Federal and Regional Resource Centers (maintained by OSEP)**

1. Northeast RRC
   Trinity College of Vermont
   802-658-5036

2. Mid-South RRC
   University of Kentucky
   606-257-4921

3. South Atlantic RRC
   Florida Atlantic University
   954-473-6106

4. Great Lakes RRC
   Ohio State University
   614-447-0844

5. Mountain Plains RRC
   Utah State University
   801-752-0238

6. Western RRC
   University of Oregon
   541-346-5641

7. Federal Resource Center
   Academy for Educational Development
   Washington, D.C.
   202-884-8214

**Technical Assistance to Parent Programs (TAPP) Network National Office: Federation for Children with Special Needs**

95 Berkeley St.
Boston, MA 02116
800-331-0688 (in MA); 617-482-2915

**Other Web Sites for Charter School Information:**

**National Charter School Study:**

a) OERI National Institute of Educational, Governance, Finance, Policymaking and Management:
http://www.ed.gov/offices/OERI/GFI/gfichart.html

b) University of Minnesota:

http//carei.coled.umn.edu/CharterSchools/NatChrtr.html

**Charter School Project,** Institute for Education Reform, CA State University at Sacramento (Eric Premack): http://www.csus.edu/ier/charter.html

**Charter Schools Office,** Central MI University: http://pip.ehhs.cmich.edu/chart/

**Charter Schools Research Site,** Jude Hollins: http://csr.syr.edu

**US Charter Schools Web Site:** http://www.uscharterschools.org

## APPENDIX B: GLOSSARY OF TERMS

### GLOSSARY OF TERMS[5]

**assessment:** Process of collecting data to make decisions about students.

**autism:** Developmental disability significantly affecting verbal and nonverbal communication, social interaction, and educational performance; generally evident before age 3.

**category:** In special education, a grouping of exceptional students who are thought to share certain characteristics. Although professionals attempt to standardize the names and definitions of categories, there is significant variation from one state to another.

**child-study team:** Group that determines a student's eligibility for special education and develops an individualized education program (IEP); typically composed of teachers, other representatives of the school district, and the child's parents.

**communication disorder:** Impairment in speech or language that interferes significantly with a person's ability to communicate.

**deaf-blindness:** Category used to provide services to people who are deaf as well as blind. In the federal definition, deaf-blindness refers to "concomitant hearing and visual impairments: that cause such severe problems that they cannot be accommodated in special education programs solely for children with deafness or children with blindness.

**deafness:** Absence of functional hearing in both ears. In the federal definition, deafness means a hearing impairment so severe that the student is "impaired in processing linguistic information through hearing" and the student's educational performance is adversely affected.

**direct services:** Services in which special education personnel (including special education teachers, speech and language pathologists, and other professionals) work with students to remediate difficulties or to provide enrichment or acceleration.

**disability:** Medical, social, or learning difficulty that interferes significantly with an individual's normal growth and development.

**due process clause:** The part of the Fourteenth Amendment to the U.S. Constitution that forbids states from depriving anyone of life, liberty, or property without due process of law.

**Education for All Handicapped Children Act (1975):** First compulsory special education law; mandates a free and appropriate education for all students with disabilities between the ages of 3 and 21. Also called Public Law 94-142.

**equal protection clause:** The part of the Fourteenth Amendment of the U.S. Constitution that guarantees "equal protection of the laws" to all.

**exceptional students:** Students who require special education because of their special learning needs. Exceptional students can have disabilities or be gifted and talented.

**federal definition:** Definition of a term derived from U.S. government laws or regulations guiding provision of services to students with disabilities; many current federal definitions are included in the Individual with Disabilities Act.

**hearing impairment:** A hearing problem that adversely affects a student's educational performance.

**inclusion:** Educating exceptional students-regardless of type or severity of disability--in regular classrooms in their neighborhood schools. Also known as full inclusion.

**indirect services:** Services provided to regular classroom teachers and others to help them meet the needs of exceptional students; also called consultative services.

**individualized education program (IEP):** A written document that includes (1) a statement of the student's present levels of functioning, (2) a statement of annual goals and short-term objectives for achieving those goals, (3) a statement of services to be prided and the extent of regular programming, (4) the start date and expected duration of services, and (5) evaluation procedures and criteria for monitoring progress.

**individualized transition plan (ITP):** Part of the individualized education program that specifies services to be provided to aid a student's transition from school to adult life.

**Individuals with Disabilities Education Act (1990):** A reauthorization and renaming of the Education for All Handicapped Children Act; also includes a definition of transition services and specifications for individualized transition plans.

**learning disability:** Disorder in one or more of the basic psychological processes involved in understanding or using language; may manifest itself in an imperfect ability to listen, think, speak, read, write, spell, or do mathematical calculations. Often identified by discrepancy between expected and actual achievement. Also called specific learning disability.

**least restrictive environment:** Educational setting as much like the regular classroom as possible.

**mental retardation:** Significantly subaverage general intellectual functioning that exists concurrently with deficits in adaptive behavior, manifests itself during the developmental period, and adversely affects the individual's educational performance.

**multiple disabilities:** Combination of impairments causing educational problems so severe that they cannot be accommodated in special education programs designed solely for one of the impairments.

**orthopedic impairment:** Deficit in movement and mobility resulting from a congenital anomaly, disease, injury, or other cause and adversely affecting educational performance.

**other health impairment:** Deficit in movement and mobility resulting from a congenital anomaly, disease, injury, or other cause and adversely affecting educational performance.

**prevalence:** Number or percentage of individuals evidencing a condition at a given time.

**referral:** First step in determining a student's eligibility for special education; process of requesting information or a professional evaluation to decide whether a student is eligible for special services.

**related services:** Supplemental services provided by trained personnel to help a student benefit from special education; these services include psychological testing and counseling, occupational therapy, school health services, and transportation.

**resource room:** Room to which a student goes for part of a school day to receive special instruction or help with regular classroom work.

**serious emotional disturbance:** Condition in which a student exhibits one or more of the following characteristics over a long period and to a marked degree, adversely affecting educational performance: an inability to learn that cannot be explained by intellectual, sensory, or health factors; an inability to build or maintain satisfactory interpersonal relationships with peers and teachers; inappropriate behaviors or feelings under normal circumstances; a general pervasive mood of unhappiness or depression; or a tendency to develop physical symptoms or fears associated with personal or school problems. Also called behavior disorder.

**specific learning disability:** *See learning disability.*

**speech or language impairment:** *See communication disorder.*

**traumatic brain injury:** Acquired injury to the brain caused by an external physical force, resulting in functional disability, psychosocial impairment, or both, and adversely affecting educational performance.

**visual impairment:** Vision problem that, even with correction, adversely affects a student's educational performance.

# Establishing the Organizational Vision

**Key Issues:**

1. What does the visioning process look like?
2. Why does the school need a vision?
3. What goes into a vision? Is there a leader in the visioning process?
4. Who should be included in the visioning process?

**Goal:** Participants will be able to successfully develop, implement and use a vision

**Session Structure:**

1. What is the vision?
2. Need for a vision?
3. What is in a vision?
4. Who leads the vision?-Leadership qualities
5. Who should be included in the visioning process?

# Curriculum Outline for:
# Establishing the Organizational Vision

I. **Organizational Vision**
   - A. Vision—What is it?
     1. A common vision of the educational process and what it means to be educated—to learn
     2. A charter vision is the basis for all school decisions (planning, operation, curriculum, standards, assessment, budget, marketing, motivation, organizational structure, policies)
     3. Need to understand how to create, nurture, and implement the vision in all aspects of the school's organization

   - B. The four steps to a vision
     1. Building the vision
        - a. Consensus based
        - b. Collaboration
        - c. Adoption of an existing vision (i.e., core knowledge, Waldorf, Paidea)
     2. Communicating the vision
        - a. Talk to the community, the staff, the parents, the students
        - b. Create and nurture the vision
     3. Keeping the vision
        - a. Continually revisit the vision
        - b. Implement vision in curriculum, assessment, hiring, all policy, strategic plan
     4. Renewing the vision
        - a. Sustainability
        - b. Adding new board members
        - c. Adding new staff
        - d. School evaluation
        - e. School renewal
        - f. Changing the vision

   - C. Organizational vision needs a strong leader who can develop, carry out, implement, and sustain the vision
     1. Development of leadership skills
     2. Leadership skills in the planning phase and the operational phase

   - D. What is leadership?
     1. Collaboration among leaders, peers/constituents, and community
     2. Not always top-down; rather, a process of "reciprocal influence"

3. School leadership from Effective Schools study
    - a. Collaborative process with multiple stakeholders
    - b. Leaders will communicate a focused educational vision—your vision
    - c. Leaders will combine leaderships and management skills
        1. Set agendas
        2. Map out political environment
        3. Network and form coalitions
        4. Bargain and negotiate
    - d. Leaders will be effective political leaders
    - e. Leaders should symbolize the vision
    - f. Leaders need ideas and flexibility

II. **Keys to Establishing an Organizational Vision**

- A. Explicit statement of vision in a mission or vision statement
- B. Revisit the vision in all decisions—make sure all policies align with vision
- C. Make sure all members of the founding group/charter school board are in agreement
- D. If appropriate, teach students about the vision
- E. Align the curriculum, standards, and assessments with the vision
- F. Have all parents explicitly acknowledge the vision
- G. When appropriate, refer to the vision in evaluations and assessments—this will contribute to continuity and sustainability
- H. Make sure all staff agree with the vision relative to teaching, curriculum, learning styles
- I. Try to have the structure or appearance of the school reflect the vision
- J. Share the vision with the community
- K. Send out brochures with the vision to newspapers, media, and businesses

# Appendix A

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# Appendix B
## Useful Charter School Websites

**Information and Technical Assistance**

US Charter Schools (USCS)
*http://www.uscharterschools.org/*

Charter School Research (CSR)
*http://csr.syr.edu/*

Charter Schools Resource Center
*http://www.pioneerinstitute.org/csrc/index.html*

Center for Education Reform (CER)
*http://edreform.com/*

Center for School Change at the Humphrey Institute
*http://next.hhh.umn.edu/Centers/school-change/*

Center for Education Reform
*http://www.educenter.org/*

The Charter School Development Center: CSU Institute for Education Reform
*http://www.csus.edu/ier/charter/charter.html*

The Center for Market-Based Education
*http://www.cmbe.org/*

Comprehensive Centers
*http://www.ncbe.gwu.edu/obemla/tan/ccregions.html*

National Conference of State Legislatures--Education Program: Charter Schools
*http://www.ncsl.org/programs/educ/c1schls.htm*

WestEd - Policy Support and Studies Program: Charter Schools Page
*http://www.wested.org/policy/charter/welcome.htm*

The Massachusetts Charter School Handbook
*http://www.pioneerinstitute.org/csrc/cshand.htm*

Michigan Resource Center for Charter Schools
*http://charter.ehhs.cmich.edu/html/us.html*

Northwest Regional Educational Laboratory: Charter Schools - The Northwest Experience
*http://www.nwrel.org/charter/*

Education Week archives on charter schools
*http://www.edweek.org/context/topics/charter.htm*

**NORTHWEST REGIONAL EDUCATIONAL LABORATORY**
**101 SW MAIN STREET, SUITE 500**
**PORTLAND, OREGON 97204**

## Charter School Associations

Arizona Charter School Association
*http://www.azcharters.org/*

California Network of Educational Charters (CANEC)
*http://www.wpusd.k12.ca.us/canec/canec.html*

Hawaii charter school resources
*http://www.kalama.doe.hawaii.edu/~lanikai/charter_info.html*

## Research Publications

American Federation of Teachers (AFT): Charter School Laws: Do They Measure Up?
*http://www.aft.org/NS/*

Southwest Educational Development Laboratory (SEDL) Policy Planning Service (SPPS):
Charter Schools: Early Learnings
*http://www.sedl.org:80/policy/insights/charter9507.html*

Consortium for Policy Research in Education (CPRE):
First Lessons: Charter Schools as Learning Communities
*http://www.upenn.edu/gse/cpre/docs/pubs/rb22.pdf*

Hudson Institute - Charter Schools in Action Project: Final Report, 1997
*http://www.csus.edu/ier/charter/charter.html*

Little Hoover Commission: Study of California Charter Schools
*http://www.lhc.ca.gov/lhcdir/138rp.html*

Northwest Regional Educational Laboratory:
Choice Matters: Policy Alternatives and Implications for Charter Schools
*http://www.nwrel.org/charter/policy.html*

Massachusetts Department of Education: The Massachusetts Charter School Initiative
*http://www.doe.mass.edu/cs.www*

U.S. Department of Education: A Study of Charter School - First Year Report
*http://www.ed.gov/pubs/charter/*

Morrison Institute for Public Policy: Charter Schools - The Research
*http://edreform.com/pubs/morrison.htm*

Public Broadcasting System (PBS): The Merrow Report
*http://www.pbs.org/merrow/*

## State departments of Education and other organizations

Alaska Department of Education: Information about Charter Schools in Alaska
*http://www.educ.state.ak.us/Alaskan_Schools/Charter/home.html*

Arizona Department of Education: Charter Schools
*http://www.ade.state.az.us:/schools/charter-schools/*

California Department of Education: Charter School Home Page
*http://goldmine.cde.ca.gov/ftpbranch/retdiv/charter/index.html*

Colorado Charter Schools: Colorado Department of Education
*http://www.cde.state.co.us/charter.htm*

Hawaii Charter School Resources
*http://kalama.doe.hawaii.edu/~lanikai/charter_info.html*

Wyoming Alternative Education and Charter Schools
*http://www.k12.wy.us/alt_ed.html*

Charter Friends National Network
*http://www.charterfriends.org/*

NEA Charter Schools Initiative
*http://www.nea.org/info/csinit.html*

Program on Reinventing Public Education
University of Washington Graduate School of Public Affairs
*http://www.gspa.washington.edu/prpe/prpehome.html*

Choice in Education, including Charter Schools
*http://www.interlog.com/~klima/ed/charters.html*

National School Boards Association (NSBA): Charter School Review
*http://www.nsba.org/edissues/charter/index.html*

# School Management Links

## Fundraising

**Contact Center Network**:
Fundraising guidelines online
*http://www.contact.org/tools/fundraising.htm*

**Eisenhower National Consortium:**
A clearinghouse for grants on math, science, and other projects
*http://www.enc.org/*

**The Foundation Center**:
*http://fdncenter.org/*
Links to Private and Public Foundations
*http://fdncenter.org/grantmaker/contents.html*
FAQ: "Where do I begin my foundation/grants research?"
*http://fdncenter.org/RefDesk/faq1.html*

**The George Lucas Foundation:**
The Lucas Foundation web site provides information on a number of school reform issues. If you go to the Grants page at the below location, you will find a list of corporate foundations which support education reform and technology integration.
*http://glef.org/glef/gframe.html*

**Government Information Services/Education Funding Research Council (GIS/EFRC):**
Publications by either GIS or EFRC which list different grant opportunities from federal, corporate and foundation sources can be purchased and ordered directly through this web site
*http://www.grantsandfunding.com/*

**The Grants Web:**
The society of research administrators' comprehensive list of funding links
*http://web.fie.com/cws/sra/resource.htm*

**Technology in Education Program:**
*http://www.wested.org/tie/welcome.html*
For detailed information on both applying for and winning grants for integrating technology into the classroom, see the Teaching and Learning Resources page which has a detailed listing of Grant Information Sources for Educators.

## Governance

**American Association of School Administrators:**
*http://www.aasa.org/*
**Charter School Resources**
*http://www.aasa.org/charters/charter.htm*

**National Association of Independent Schools (NAIS):**
*http://www.nais.org*

**National Center for Nonprofit Boards (NCNB):**
*http://www.ncnb.org*

## Legal Issues

**Institute for Education Reform at California State University:**
*http://www.csus.edu/ier/*
Charter Schools
*http://www.csus.edu/ier/charter/charter.html*
State Legal Issues Regarding California Charter Schools
*http://www.csus.edu/ier/charter/CAlegal.html*

**US Department of Education:**
*http://www.ed.gov*
Office for Civil Rights
*http://www.ed.gov/offices/OCR/*
Improving America'a Schools Act of 1994 (IASA)
*http://www.ed.gov./legislation/ESEA/toc.html*

**Florida Department of Education:**
Preventing Sexual Harassment: Resources for Training
*http://www.firn.edu/doe/eeop/SexualHarassmentList.html*

**American Law Sources Online:**
*http://www.lawsource.com/also/usa.htm*

**US Charter Schools Web Site: Legal Issues**
*http://www.uscharterschools.org/tech_assist/ta_legal.htm*

## Small Business Organizations & TQM Resources

**Small Business Administration:**
*http://www.sbaonline.sba.gov/*

**Small Business Resource Center:**
*http://www.webcom.com/seaquest/sbrc/welcome.html*

**The Nolo Press:**
Index of legal publications
*http://www.nolo.com/ChunkSB/SB.index.html*

**Quality Digest's Education Resource Directory:**
Lists of associations, books, videos and other resources
*http://www.qualitydigest.com/sep/directry.html*

**Clemson University's Public Sector Continuous Improvement Site: Library**
*http://deming.eng.clemson.edu/pub/pcsi/library.html*

**GOAL/QPC:**
Publications for Non-Profits on Quality Management
*http://www.goalqpc.com/PRODUCT/Prodlist.html*

## Instructional Program Links

### Curriculum Development

**AskERIC:**
*http://ericir.syr.edu*
Virtual Library
*http://ericir.syr.edu/Virtual*
Questions and Answer Service
*http://ericir.syr.edu/Qa*
ERIC Toolbox
*http://ericir.syr.edu/Qa/Toolbox*

**Biology Place:**
*http://www.biology.com/*
The Chemistry Place
*http://www.chemplace.com/*

**Classroom Connect:**
*http://www.classroom.net/*
Directory of Educational Sites
*http://www.classroom.net/cgi/rofm/eduFind.html*
Internet Search
*http://www.classroom.net/classroom/search.htm*
Teacher Contact Database
*http://www.classroom.net/contact/*

**The Concord Review:**
*http://www.tcr.org*

**CSU at Northridge, Web Sites and Resources for Teachers:**
*http://www.csun.edu/~vceed009/index.html*

**Ed's Oasis:**
*http://www.EDsOasis.org/*
The Treasure Zone
*http://www.EDsOasis.org/Treasure.html*
Spotlight on Success
*http://www.EDsOasis.org/Spotlight.html*

**Education Week:**
*http://www.edweek.org*
Web Connection
*http://www.edweek.org/ads/webconn1.shtml*
BookShelf
*http://www.edweek.org/bookshelf/bookshelf.htm*

**Eisenhower National Clearinghouse for Mathematics and Science Education:**
*http://www.enc.org/index.htm*
Classroom Links, Lesson Links, and Newsletter
*http://www.enc.org/classroom/index.htm*

**History/Social Studies Website for K-12 Teachers:**
*http://www.execpc.com/~dboals/boals.html*

**Houghton Mifflin Education Place:**
*http://www.eduplace.com/*
Mathematics Center
*http://www.eduplace.com/math/index.html*
Reading/Language Arts Center
*http://www.eduplace.com/rdg/index.html*
Social Studies Center
*http://www.eduplace.com/ss/*
Social Studies Links
*http://www.eduplace.com/ss/links/index.html*

**National Clearinghouse for Bilingual Education (NCBE):**
*http://www.ncbe.gwu.edu/*
Foreign Language Teaching and Learning
*http://www.ncbe.gwu.edu/links/langcult/foreign.html*

**Natural Sciences for Educators:**
*http://ceres.ca.gov/education/educators/nat_sci.html*

**New Century Education Corporation:**
*http://www.ncecorp.com/*
New Century Integrated Instructional System
*http://www.ncecorp.com/nceiis.html*

**Newton's Apple:**
*http://ericir.syr.edu/Projects/Newton/*

**PCS Education Systems, Inc: PCS Edventures!**
*http://www.edventures.com*

**San Diego County Office of Education:**
*http://www.sdcoe.k12.ca.us/*
K-12 Education Resources
*http://www.sdcoe.k12.ca.us/resources/resframe.html*

**Schools of California Online Resources for Education (SCORE):**

*http://www.sdcoe.k12.ca.us/score/*

California Language Arts Teacher Resources

*http://www.sdcoe.k12.ca.us/score/frontpage.html*

History/Social Science

*http://www.rims.k12.ca.us/SCORE/index.html*

Math

*http://www.kings.k12.ca.us/math/*

Science

*http://intergate.humboldt.k12.ca.us/score/*

**Science Adventures:**

*http://www.scienceadventures.org*

**Social Studies School Service:**

*http://socialstudies.com/*

**Vose School Education Resources:**

*http://www.teleport.com/~vincer/starter.html*

## Standards Development

**Mid-Continent Regional Education Lab (McREL):**

*http://www.mcrel.org*

Standards Resources

*http://www.mcrel.org/standard.html*

**National Center on Education and the Economy:**

*http://www.ncee.org*

New Standards Performance Standards

*http://www.ncee.org/ourproducts/perfstandards.html*

**Putnam Valley Schools: Annotated list of Internet sites with K-12 educational standards and curriculum framework documents**

*http://www.putwest.boces.org*

**Middleweb:**

A World Wide Web site exploring the challenges of middle grades reform, with a special focus on urban middle schools.

*http://www.middleweb.com/*

## Assessment & Evaluation

**Association for Supervision and Curriculum Development (ASCD):**
*http://www.ascd.org*
New and Featured Products
*http://www.ascd.org/cgi-bin/newprod.cgi*

**Buros Institute:**
*http://www.unl.edu/buros*

**Clear View Elementary Charter School:**
Clear View's Alternative Assessment Guide, which explains how the school developed a broad-based holistic assessment package, can be ordered by phone: (619)498-3000.

**ERIC Clearinghouse on Assessment and Evaluation (ERIC/AE):**
*http://ericae2.educ.cua.edu*
List of Online Resources
*http://ericae2.educ.cua.edu/intass.htm*
Spider Search
*http://ericae2.educ.cua.edu/sintbod.htm*

**National Center For Research on Evaluation, Standards, and Student Testing (CRESST):**
*http://www.cse/ucla.edu*
Guidebook
*http://cresst96.cse.ucla.edu/guide.htm*
Sample Assessment
*http://cresst96.cse.ucla.edu/samples.htm*
Alternative Assessment
*http://cresst96.cse.ucla.edu/database.htm*

**North Central Regional Education Laboratory (NCREL):**
*http://www.ncrel.org*
Pathways to School Improvement
*http://www.ncrel.org/sdrs/pathwayg.htm*

**WestEd's Assessment and Standards Development Services:**
*http://www.wested.org/wested/work/p01_asds.html*

## Professional Development

**The National Association of Biology Teachers (NABT):**
*http://www.nabt.org/*
NABT Excellent Web Sites
*http://www.nabt.org/other_sites.html*

**National Council for Social Studies:**
*http://www.ncss.org/online/educators.html*
Social Studies Websites
*http://www.ncss.org/online/links/webtech.html*
Teacher Resources
*http://www.ncss.org/online/resources/resources.html*

**National Council of Teachers of English:**
*http://www.ncte.org/*

**National Council of Teachers of Mathematics:**
*http://www.nctm.org/*

**National Science Teachers Association:**
*http://www.nsta.org/*
Regional Resources and Organizations
*http://www.nsta.org/onlineresources/links/cags/*
Science and Math Links
*http://www.nsta.org/onlineresources/links/*

**Tales From the Electronic Frontier:**
*http://www.wested.org/tales/*

## Students with Special Needs

**National Association of State Directors of Special Education:**
Charter Schools and Special Education: A Handbook
*http://www.uscharterschools.org/res_dir/res_primary/res_nasdse.htm*

**National Clearinghouse for Bilingual Education:**
*http://www.ncbe.gwu.edu/*
Report on "Charter schools and the Linguistically and Culturally Diverse Student"
*http://www.ncbe.gwu.edu/ncbepubs/misc/charter/*

## Whole-School, Private, & Other Models

**Northwest Regional Educational Laboratory**
Catalog of School Reform Models
*http://www.nwrel.org/scpd/natspec/catalog/index.html*

**Accelerated Schools Project:**
*http://www-leland.stanford.edu/group/ASP/*
"What is an Accelerated School?"
*http://www-leland.stanford.edu/group/ASP/brochure.html*

**Advantage Schools, Inc:**
*http://www.advantage-schools.com/*

**Coalition of Essential Schools:**
*http://www.essentialschools.org*

**Comer School Development Program:**
A summary of this program is available on the US Department of Education's web site
*http://www.ed.gov/pubs /OR/ConsumerGuides/comer.html*

**Core Knowledge Foundation:**
*http://www.coreknowledge.org/*
"What is Core Knowledge?"
*http://www.coreknowledge.org/faq.htm*
Core Knowledge Lesson Plans and Units
*http://www.coreknowledge.org/newplans.htm*

**The Edison Project:**
*http://www.edisonproject.com/*

**Expeditionary Learning Outward Bound:**
*http://hugse1.harvard.edu/~elob/*
Design Principles
*http://hugse1.harvard.edu/~elob/design.htm#design*
Expeditionary Learning Program Components
*http://hugse1.harvard.edu/~elob/design.htm#program*

**The Association Montessori Internationale:**
*http://www.ami.edu/*
The Pedagogy
*http://www.ami.edu/html/the_pedagogy.html*
North American Montessori Teacher's Association (NAMTA)
*http://www.cybergate.net/~mashani/namta.html*
American Montessori Society
*http://www.seattleu.edu/~jcm/montessori/ menu_link.html*
Montessori Resources on the Internet

*http://www.xe.net/isnet/tms/othrmont.htm*

**The National Paideia Center:**
*http://www.unc.edu/depts/ed/cel-paideia.html*

**New American Schools (NAS):**
*http://www.naschools.org/home.htm*
Design-Based Assistance
*http://www.naschools.org/greatsch/whatis.htm*
Great Schools by Design
*http://www.naschools.org/greatsch/index.htm*

**SABIS Educational Systems:**
*http://www.CityScape.co.uk/school-network/index.htm*

**Waldorf Education:**
*http://www.io.com/~karisch/waldorf.html*
Waldorf Schools in North America
*http://www.io.com/~karisch/waldir.html*

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